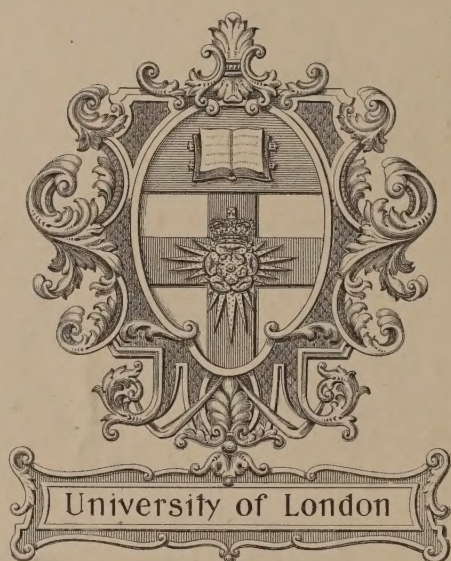






605871

B I L L S,

PUBLIC:

FOUR VOLUMES.

—(4.)—

QUALIFICATION FOR OFFICES ABOLITION

TO

WRITS REGISTRATION, &c. (SCOTLAND).

Session

7 February — 6 July 1865.

VOL. IV.

1865.



B I L L S :

1865.

FOUR VOLUMES:—CONTENTS OF THE

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XXXV. AN ACT to amend the Law relating to the Police Superannuation Funds in Counties and Boroughs - - - - -	2 June.
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XXXIX. AN ACT to authorize the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for <i>England</i> and <i>Wales</i> - - - - -	19 June.
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CXII. AN ACT to repeal Enactments relating to Powers of the Commissioners of the Admiralty, and to various Matters under the Control of the Admiralty - - - - -	5 July.
CXIII. AN ACT to authorize the Payment of Retiring Pensions to Colonial Governors - - - - -	5 July.
CXIV. AN ACT for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to <i>Eastbourne</i> , <i>Clevedon</i> , <i>Herne Bay</i> , <i>Llandrillo</i> , and <i>Pensarn</i> - - - - -	5 July.
CXV. AN ACT to amend "The Naval Discipline Act, 1864" - - -	5 July.
CXVI. AN ACT to explain "The Foreign Jurisdiction Act" - - -	5 July.
CXVII. AN ACT to regulate the Appointment of a Vicar or Incumbent to the Vicarage of the Parish Church of <i>Rochdale</i> , in the County of <i>Lancaster</i> , and in the Diocese of <i>Manchester</i> - - - - -	5 July.
CXVIII. AN ACT to continue and amend "The Peace Preservation (<i>Ireland</i>) Act, 1856" - - - - -	5 July.
CXIX. AN ACT for continuing various expiring Acts - - -	5 July.
CXX. AN ACT to amend the Acts relating to the Preservation and Improvement of <i>Harwich</i> Harbour - - - - -	5 July.
CXXI. AN ACT to amend "The Salmon Fishery Act, 1861" - - -	5 July.
CXXII. AN ACT to amend the Law as to the Subscriptions and Declarations to be made and Oaths to be taken by the Clergy of the Established Church of <i>England</i> and <i>Ireland</i> - - - - -	5 July.
CXXIII. AN ACT to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending Thirty-first March One thousand Eight hundred and Sixty-six, and to appropriate the Supplies granted in this Session of Parliament - - - - -	6 July.
CXXIV. AN ACT for consolidating certain Enactments relating to the Admiralty - - - - -	6 July.
CXXV. AN ACT for the Regulation of Dockyard Ports - - -	6 July.
CXXVI. AN ACT to consolidate and amend the Law relating to Prisons - - -	6 July.
CXXVII. AN ACT to amend the Law relating to small Penalties - - -	6 July.

I N D E X

TO THE

PUBLIC GENERAL ACTS, 28° & 29° VICT., 1865 :

SHOWING

Whether they relate to the WHOLE or to any PART of the UNITED KINGDOM ;

VIZ.

(E.) <i>signifies that the Act</i>	}	ENGLAND (and WALES, if the subject extends so far).
<i>relates to</i>		
(S.) - - -		SCOTLAND.
(I.) - - -		IRELAND.
(E. & I.) - - -		ENGLAND AND IRELAND.
(G. B.) - - -		GREAT BRITAIN.
(G. B. & I.) - - -		GREAT BRITAIN AND IRELAND.
(U. K.) - - -		THE WHOLE OF THE UNITED KINGDOM.

A.

Cap.

ADMINISTRATION of Justice. *See* Affirmations. Bankruptcy and Insolvency. Chancery (Lancaster). Civil Bill Courts Procedure. Common Law Courts. County Courts. County of Sussex. Courts of Justice. Crown Suits. East India. Election Petitions. Evidence. Exchequer. Felony and Misdemeanor. Foreign Jurisdiction. Justices' Proceedings. Laws, Colonial. Married Women's Property. Peace Preservation. Penalties. Procurators. Trespass. Trustees, &c. Vagrancy.

Admiralty ; for consolidating certain Enactments relating to the Admiralty - - - - - (U. K.) 124.

————— to repeal Enactments relating to Powers of the Commissioners of the Admiralty, and to various Matters under the Control of the Admiralty - - - - - (U. K.) 112.

————— to enable the Admiralty to contract for certain Works in connexion with the Extension of Her Majesty's Dockyards [at Portsmouth and Chatham] - - - - - (E.) 51.

————— *See also* Harbours. Marines. Naval Discipline.

Advances for the Public Service. *See* Bank of Ireland.

Affirmations ; to allow Affirmations or Declarations to be made instead of Oaths in all Civil and Criminal Proceedings in Scotland - - - (S.) 9.

Annexation of Tithes ; for facilitating the Annexation of Tithes to District Churches - - - - - (E.) 42.

Application of Aids. *See* Consolidated Fund.

Application of Sewage ; for facilitating the more useful Application of Sewage in Great Britain and Ireland - - - - - (G. B. & I.) 75.

Appropriation of Supplies ; to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending 31st March 1866, and to appropriate the Supplies granted in this Session of Parliament - - - - - (U. K.) 123.

Army ; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - - (U. K.) 11.

Arrangements for Relief of Turnpike Trusts. <i>See</i> Turnpike Trusts, &c.		<i>Cap.</i>
Arsenals. <i>See</i> Royal Arsenals, &c.		
Audit of Public Accounts; to consolidate the Offices of Comptroller General of the Exchequer and Chairman of the Commissioners for auditing the Public Accounts, and for other Purposes - - - }	(U. K.)	93.
Augmentation of Benefices. <i>See</i> Benefices.		
Ayr Burghs; to shorten the Time for the Election of Members to serve in Parliament for the Ayr District of Burghs - - - }	(S.)	92.
B.		
Ballots for the Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - - }	(G. B. & I.)	46.
Bank of Ireland; to make further Provision for the Management of the Unredeemed Public Debt in Ireland, and for the Reduction of the Interest payable on certain Sums advanced by the Bank of Ireland for the Public Service - - - }	(G. B. & I.)	16.
Bankruptcy and Insolvency; to amend the Irish Bankrupt and Insolvent Act, 1857 (20 & 21 Vict. c. 60) - - - }	(I.)	21.
Barristers. <i>See</i> Revising Barristers.		
Belfast; to alter the Distribution of the Constabulary Force in Ireland, and to make better Provision for the Police Force in the Borough of Belfast - - - }	(I.)	70.
Beneficed Clergy; further to amend and render more effectual the Law for providing fit Houses for the Beneficed Clergy, and for other Purposes - - - }	(E.)	69.
Benefices; to amend "The Endowment and Augmentation of Small Benefices (Ireland) Act, 1860" (23 & 24 Vict. c. 72) - - - }	(I.)	82.
Bills, Private for awarding Costs in certain Cases of Private Bills -	(U. K.)	27.
Board of Trade. <i>See</i> Harbours.		
Bonds, Exchequer; for raising the Sum of £.1,000,000 by Exchequer Bonds for the Service of the Year 1865 - - - }	(U. K.)	29.
Borough Police. <i>See</i> County and Borough Police.		
Bradford. <i>See</i> Local Government.		
Bridlington. <i>See</i> Local Government.		
Brighouse. <i>See</i> Local Government.		
British Kaffraria, for the Incorporation of the Territories of, with the Colony of the Cape of Good Hope - - - }	(U. K.)	5.
British Spirits. <i>See</i> Spirits.		
Bromsgrove. <i>See</i> Local Government.		
Burghs, Ayr District of; to shorten the Time for the Election of Members to serve in Parliament for the Ayr District of Burghs - - - }	(S.)	92.
Burnley. <i>See</i> Local Government.		
Bury. <i>See</i> Local Government.		

C.

Cape of Good Hope; for the Incorporation of the Territories of British Kaffraria with the Colony of the Cape of Good Hope - - - }	(U. K.)	5.
Cardiff. <i>See</i> Local Government.		
Carrickfergus. <i>See</i> Piers and Harbours.		
Carriers; to amend the Carriers Act (11 Geo. 4, and 1 Will. 4, c. 68)	(G. B. & I.)	94.
Central Arsenal, &c. <i>See</i> Royal Arsenals, &c.		
Chairman of Public Audit. <i>See</i> Comptroller of the Exchequer.		

Cap.

Chancery (Lancaster); to extend to the Court of Chancery of the County Palatine of Lancaster certain of the Provisions of the Act 23 & 24 Vict. c. 145, to give to Trustees, Mortgagees, and others, certain Powers now commonly inserted in Settlements, Mortgages, and Wills - - - - -	(E.)	40.
Chapels, &c.; to provide for the Exemption of Churches and Chapels in Scotland from Poor Rates - - - - -	(S.)	62.
Charge for Relief of the Poor; to provide for the better Distribution of the Charge for the Relief of the Poor in Unions - - - - -	(E.)	79.
Chatham Dockyard. <i>See</i> Dockyards.		
Churches and Chapels; to provide for the Exemption of, in Scotland, from Poor Rates - - - - -	(S.)	62.
Churches, District. <i>See</i> Annexation of Tithes.		
Civil Bill Courts Procedure; to amend certain Clerical Errors in the Civil Bill Courts Procedure Amendment Act (Ireland), 1864 (27 & 28 Vict. c. 99) - - - - -	(I.)	1.
Civil and Criminal Proceedings. <i>See</i> Affirmations.		
Claims for Compensation. <i>See</i> Isle of Man.		
Clergy; further to amend and render more effectual the Law for providing fit Houses for the Beneficed Clergy, and for other Purposes -	(E.)	69.
Clerical Subscription; to amend the Law as to the Subscriptions and Declarations to be made and Oaths to be taken by the Clergy of the Established Church of England and Ireland - - - - -	(E. & I.)	122.
Clevedon. <i>See</i> Piers and Harbours.		
Cockermouth. <i>See</i> Local Government.		
Colonial Docks; to authorise Loans in Aid of the Construction of Docks in British Possessions - - - - -	(U. K.)	106.
Colonial Governors; to authorise the Payment of Retiring Pensions to	(U. K.)	113.
Colonial Laws; to remove Doubts as to the Validity of - - - -	(U. K.)	63.
Colonial Marriages; to remove Doubts respecting the Validity of certain Marriages contracted in Her Majesty's Possessions Abroad -	(U. K.)	64.
Colonial Naval Defence; to make better Provision for the Naval Defence of the Colonies - - - - -	(U. K.)	14.
Commissioners of the Admiralty; to repeal Enactments relating to Powers of the Commissioners of the Admiralty, and to various Matters under the Control of the Admiralty - - - - -	(U. K.)	112.
Commissioners of Public Works; for transferring the Ulster Canal to the Commissioners of the Public Works in Ireland - - - - -	(I.)	109.
Commissioners of Supply; to authorise the Alteration of the Time for holding Statutory Meetings of Commissioners of Supply in Scotland -	(S.)	38.
Common Law Courts; to provide for the Collection, by means of Stamps, of Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto - - - - -	(E.)	45.
Commons Inclosure; to authorise the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales - - - - -	(E.) {	20. 39.
Companies. <i>See</i> Mortgage Debentures.		
Compensations (Isle of Man Disafforestation); to authorise certain Payments, out of the Land Revenues of the Crown, to provide Compensation for certain Claims in the Isle of Man - - - - -	(U. K.)	28.
Compound Spirits Warehousing; to allow British Compounded Spirits to be warehoused upon Drawback - - - - -	(U. K.)	98.
Comptroller of the Exchequer; to consolidate the Offices of Comptroller General of the Exchequer and Chairman of the Commissioners for auditing the Public Accounts - - - - -	(U. K.)	93.
Concentration of Courts of Justice. <i>See</i> Courts of Justice.		

	<i>Cap.</i>
Confirmation of Provisional Orders. <i>See</i> Drainage and Improvement of Lands. Local Government. Piers and Harbours. Pilotage. Turnpike Trusts, &c.	
Consolidated Fund; to apply the Sum of 175,650 <i>l.</i> out of the Consolidated Fund to the Service of the Year ending the 31st March 1865	(U. K.) 4.
----- to apply the Sum of 15,000,000 <i>l.</i> out of the Consolidated Fund to the Service of the Year 1865 - - - - -	(U. K.) 10.
----- to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending 31st March 1866, and to appropriate the Supplies granted in this Session of Parliament - - - - -	(U. K.) 123.
Constabulary Force; to alter the Distribution of the Constabulary Force in Ireland, and to make better Provision for the Police Force in the Borough of Belfast - - - - -	(I.) 70.
Construction of Docks. <i>See</i> Docks.	
Costs (Private Bills); for awarding Costs in certain Cases of Private Bills - - - - -	(U. K.) 27.
Counties of Towns. <i>See</i> Lunatic Asylums.	
County Courts; to confer on the County Courts a limited Jurisdiction in Equity - - - - -	(E.) 99.
County Voters; to amend the Law relating to the Registration of County Voters, and to the Powers and Duties of Revising Barristers in certain Cases - - - - -	(E.) 36.
County and Borough Police; to amend the Law relating to the Police Superannuation Funds in Counties and Boroughs - - - - -	(E.) 35.
County of Sussex; to make better Provision respecting the Transaction of County Business and the Administration of Justice at Quarter Sessions in the County of Sussex; and to confirm certain Proceedings of the Justices of the said County - - - - -	(E.) 37.
Courts of Justice; to supply Means towards defraying the Expenses of providing Courts of Justice and the various Offices belonging thereto; and for other Purposes - - - - -	(E.) 48.
----- to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a Site for the Erection and Concentration of Courts of Justice, and of the various Offices belonging to the same - - - - -	(E.) 49.
Criminal Proceedings. <i>See</i> Affirmations. Evidence, Law of.	
Crown Suits, &c.; to amend the Procedure and Practice in Crown Suits in the Court of Exchequer at Westminster; and for other Purposes - - - - -	(E.) 104.
Customs and Inland Revenue; to grant certain Duties of Customs and Inland Revenue [Tea; Fire Insurance; Income Tax] - - - - -	(U. K.) 30.
----- to allow British Compounded Spirits to be warehoused upon Drawback - - - - -	(U. K.) 98.
----- to amend the Law relating to the Duties on Sugar, and the Drawbacks on those Duties - - - - -	(U. K.) 95.

D.

Debentures; to enable certain Companies to issue Mortgage Debentures founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities - - - - -	(E.) 78.
----- for authorising Transferable Debentures to be charged upon Land in Ireland - - - - -	(I.) 101.
Declarations; to allow Affirmations or Declarations to be made instead of Oaths in all Civil and Criminal Proceedings in Scotland - - - - -	(S.) 9.
----- to amend the Law as to the Subscriptions and Declarations to be made and Oaths to be taken by the Clergy of the Established Church of England and Ireland - - - - -	(E. & I.) 122.

Cap.

Defence Act, 1860; to explain "The Defence Act, 1860" (23 & 24 Vict. c. 112) - - - - -	(G. B. & I.)	65.
Defence of the Colonies; to make better Provision for the Naval Defence of the Colonies - - - - -	(U. K.)	14.
Derby. See Local Government.		
Desertion. See Mutiny.		
Devon (County). See Railway, &c.		
Disafforestation (Isle of Man); to authorise certain Payments out of the Land Revenues of the Crown, to provide Compensation for certain Claims in the Isle of Man - - - - -	(U. K.)	28.
Discipline, Naval; to amend "The Naval Discipline Act, 1864" (27 & 28 Vict. c. 119) - - - - -	(U. K.)	115.
Disembodied Militia. See Militia.		
District Church Tithes; for facilitating the Annexation of Tithes to District Churches - - - - -	(E.)	42.
Docks, Colonial; to authorise Loans in Aid of the Construction of Docks in British Possessions - - - - -	(U. K.)	106.
Dockyards; to enable the Admiralty to contract for certain Works in connexion with the Extension of Her Majesty's Dockyards [at Portsmouth and Chatham] - - - - -	(E.)	51.
----- for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenal and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal - - - - -	(U. K.)	61.
----- for the Regulation of Dockyard Ports - - - - -	(G. B. & I.)	125.
Dogs; to render Owners of Dogs in England and Wales liable for Injuries to Cattle and Sheep - - - - -	(E.)	60.
----- for regulating the keeping of Dogs, and for the Protection of Sheep and other Property from Dogs, in Ireland] - - - - -	(I.)	50.
Dover. See Fortifications.		
Downing-street Public Offices; to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Lands for improving the Site of the new Public Offices in Downing-street, and the Approaches thereto - - - - -	(E.)	31.
Drainage of Land; to confirm a Provisional Order under "The Land Drainage Act, 1861" (24 & 25 Vict. c. 133) - - - - -	(E.)	23.
----- to amend "The Drainage and Improvement of Lands Acts (Ireland)" (26 & 27 Vict. c. 88, and 27 & 28 Vict. c. 72), and to afford further Facilities for the Purposes thereof - - - - -	(I.)	52.
----- to confirm certain Provisional Orders under "The Drainage and Improvement of Lands Act (Ireland), 1863" (26 & 27 Vict. c. 88), and the Act amending the same - - - - -	(I.)	13.
----- to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863" (26 & 27 Vict. c. 88), and the Act amending the same - - - - -	(I.)	53.
Drainage (Metropolis); to extend the Period for Borrowing the Sum authorised to be raised under "The Metropolitan Main Drainage Extension Act, 1863" (26 & 27 Vict. c. 68) - - - - -	(E.)	19.
Drawbacks. See Sugar Duties.		
Dublin; to amend the Acts (17 & 18 Vict. c. 99 and 18 & 19 Vict. c. 44) for the Establishment of a National Gallery in Dublin - - - - -	(I.)	71.
----- to extend the Powers now vested in Justices of the Peace to grant Licenses to deal in Game to the Divisional Magistrates within the Police District of Dublin Metropolis - - - - -	(I.)	2.
----- for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition for the Year 1865 - - - - -	(I.)	6.
Duties, Rates, and Taxes. See Customs and Inland Revenue.		
Excise. Poor.		

E.	Cap.
East India (Governor General's Powers, &c.); to enlarge the Powers of the Governor General of India in Council at Meetings for making Laws and Regulations, and to amend the Law respecting the Territorial Limits of the several Presidencies and Lieutenant Governorships in India - - - - -	(U. K.) 17.
----- (High Courts); to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the Territorial Jurisdiction of the said Courts - -	(U. K.) 15.
Eastbourne. <i>See</i> Piers and Harbours.	
Eastbury (Berks); to render valid Marriages heretofore solemnized in the Chapel-of-Ease called Saint James-the-Greater Chapel, Eastbury, in the Parish of Lamborne (Berks) - - - - -	(E.) 81.
Ecclesiastical Commission; to enable the Ecclesiastical Commissioners for England to grant Superannuation Allowances to Persons employed in their Service - - - - -	(E.) 68.
Ecclesiastical Leasing; to amend certain Provisions in "The Ecclesiastical Leasing Act, 1858" (21 & 22 Vict. c. 57) - - - - -	(E.) 57.
Election Petitions; to amend "The Election Petitions Act, 1848" (11 & 12 Vict. c. 98) in certain Particulars - - - - -	(G. B. & I.) 8.
Elections. <i>See</i> Ayr Burghs.	
Employments, &c., Qualifications for. <i>See</i> Indemnity.	
Endowment of Benefices; to amend "The Endowment and Augmentation of Small Benefices (Ireland) Act, 1860" (23 & 24 Vict. c. 72) -	(I.) 82.
Equitable Jurisdiction of County Courts; to confer on the County Courts a limited Jurisdiction in Equity - - - - -	(E.) 99.
Established Church. <i>See</i> Clerical Subscription.	
Evidence, Law of; for amending the Law of Evidence and Practice on Criminal Trials - - - - -	(E. & I.) 18.
Exchequer; to consolidate the Offices of Comptroller General of the Exchequer and Chairman of the Commissioners for auditing the Public Accounts; and for other Purposes - - - - -	(U. K.) 93.
Exchequer Bonds; for raising the Sum of 1,000,000 <i>l.</i> by Exchequer Bonds for the Service of the Year 1865 - - - - -	(U. K.) 29.
Exchequer, Court of; to amend the Procedure and Practice in Crown Suits in the Court of Exchequer at Westminster; and for other Purposes - - - - -	(E.) 104.
Excise; to allow the charging of the Excise Duty on Malt according to the Weight of the Grain used - - - - -	(G. B. & I.) 66.
----- to allow British Compounded Spirits to be warehoused upon Drawback - - - - -	(U. K.) 98.
----- <i>See</i> also Inland Revenue.	
Exhibitions, Industrial; for the Protection of Inventions and Designs exhibited at certain Industrial Exhibitions in the United Kingdom -	(G. B. & I.) 3.
----- for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition for the Year 1865 -	(I.) 6.
Expiring Laws Continuance; for continuing various Expiring Acts - -	(U. K.) 119.

F.

Falmouth, to provide for the Discontinuance of a separate Court of Quarter Sessions and a separate Gaol in the Borough of - - -	(E.) 103.
Fees in Common Law Courts; to provide for the Collection by means of Stamps of Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto - - - - -	(E.) 45.

		<i>Cap.</i>
Felony and Misdemeanor; for amending the Law of Evidence and Practice on Criminal Trials - - - - - }	(E. & I.)	18.
Fire Brigade; for the Establishment of a Fire Brigade within the Metropolis - - - - - }	(E.)	90.
Fire Insurance. <i>See</i> Customs and Inland Revenue.		
Fisheries; to amend the Acts 23 & 24 Vict. c. 92, and 24 & 25 Vict. c. 72, relating to the Scottish Herring Fisheries - - - - - }	(G. B.)	22.
———— to amend “The Salmon Fishery Act, 1861” (24 & 25 Vict. c. 109) - - - - - }	(E.)	121.
Foreign Jurisdiction; to explain the Foreign Jurisdiction Act (6 & 7 Vict. c. 94) - - - - - }	(U. K.)	116.
Fortifications; for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenal and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal - - - - - }	(U. K.)	61.
———— to explain the Defence Act, 1860 (23 & 24 Vict. c. 112) - - - - - }	(G. B. & I.)	65.
Furnaces; to amend 20 & 21 Vict. c. 73, for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland, and the Act 24 & 25 Vict. c. 17, to amend the said Act - - - - - }	(S.)	102.

G.

Gallery, National. *See* Dublin.

Game; to alter the Days between which Pheasants may not be killed in Ireland - - - - - }	(I.)	54.
Game Licenses; to extend the Powers now vested in Justices of the Peace to grant Licenses to deal in Game to the Divisional Magistrates within the Police District of Dublin Metropolis - - - - - }	(I.)	2.
Gaol at Falmouth; to provide for the Discontinuance of a separate Court of Quarter Sessions and a separate Gaol in the Borough of Falmouth - - - - - }	(E.)	103.
Gaols. <i>See</i> Prisons.		
General Pier and Harbour Act. <i>See</i> Piers and Harbours.		
General Police, &c. Act, 1862; to confirm a Provisional Order under “The General Police and Improvement (Scotland) Act, 1862” (25 & 26 Vict. c. 101) relating to the Burgh of Perth - - - - - }	(S.)	7.
General Post Office; to enable Her Majesty’s Postmaster General to acquire a Site for the Extension of the General Post Office in St. Martin’s-le-Grand, in the City of London - - - - - }	(E.)	87.
Girvan. <i>See</i> Piers and Harbours.		
Gloucester. <i>See</i> Local Government.		
Government of Greenwich Hospital; to provide for the better Government of Greenwich Hospital, and the more beneficial Application of the Revenues thereof - - - - - }	(U. K.)	89.
Governor General of India; to enlarge the Powers of the Governor General of India in Council at Meetings for making Laws and Regulations, and to amend the Law respecting the Territorial Limits of the several Presidencies and Lieutenant Governorships in India - - - - - }	(U. K.)	17.
Governors of Colonies, to authorise the Payment of Retiring Pensions to - - - - - }	(U. K.)	113.
Greenwich Hospital; to provide for the better Government of Greenwich Hospital, and the more beneficial Application of the Revenues thereof - - - - - }	(U. K.)	89.
Guildford. <i>See</i> Local Government.		

H.	Cap.
Harbours; to transfer from the Admiralty to the Board of Trade } Powers and Duties relative to certain Harbours - - - - }	(E.) 100.
— See also Harwich Harbour. Kingstown. Piers and Harbours.	
Harwich Harbour; to amend the Acts 26 & 27 Vict. c. 71, and 27 & 28 Vict. c. 102, relating to the Preservation and Improvement of Harwich Harbour - - - - }	(E.) 120.
Hastings. See Local Government. Piers and Harbours.	
Heap. See Local Government.	
Henley. See Local Government.	
Herne Bay. See Piers and Harbours.	
Herring Fisheries; to amend the Acts 23 & 24 Vict. c. 92, and 24 & 25 Vict. c. 72, relating to the Scottish Herring Fisheries - - }	(G. B.) 22.
High Courts in India; to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the Territorial Jurisdiction of the said Courts - - }	(U. K.) 15.
Houseless Poor; to make the Metropolitan Houseless Poor Act (27 & 28 Vict. c. 116) perpetual - - - - }	(E.) 34.
I.	
Improvement of Lands; to amend "The Drainage and Improvement of Lands Acts (Ireland)" (26 & 27 Vict. c. 88, and 27 & 28 Vict. c. 72), and to afford further Facilities for the Purposes thereof - }	(I.) 52.
— to confirm certain Provisional Orders under "The Drainage and Improvement of Lands Act (Ireland), 1863" (26 & 27 Vict. c. 88), and the Act amending the same - - }	(I.) 13.
— to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863" (26 & 27 Vict. c. 88), and the Act amending the same - - }	(I.) 53.
Inclosure of Lands; to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales - - - - }	(E.) { 20. 39.
Income Tax. See Inland Revenue.	
Incumbent of Rochdale. See Rochdale Vicarage.	
Indemnity; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - }	(G. B. & I.) 97.
India; to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the Territorial Jurisdiction of the said Courts - - - - }	(U. K.) 15.
— to enlarge the Powers of the Governor General of India in Council at Meetings for making Laws and Regulations, and to amend the Law respecting the Territorial Limits of the several Presidencies and Lieutenant Governorships in India - - - }	(U. K.) 17.
India Office; to enable the Secretary of State in Council of India to acquire additional Lands for improving the Site of the India Office, and the Approaches thereto - - - - }	(E.) 32.
Industrial Exhibitions; for the Protection of Inventions and Designs exhibited at certain Industrial Exhibitions in the United Kingdom - }	(G. B. & I.) 3.
— for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition - - - }	(I.) 6.
Inland Revenue; to amend the Laws relating to the Inland Revenue -	(G. B. & I.) 96.
— to grant certain Duties of Customs and Inland Revenue [Tea; Fire Insurance; Income Tax] - - - }	(U. K.) 30.

		Cap.
Insolvency; to amend "The Irish Bankrupt and Insolvency Act, 1857" (20 & 21 Vict. c. 60) - - - - -	(I.)	21.
International Exhibition (Dublin); for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition for the Year 1865 - - - - -	(I.)	6.
Inventions and Designs; for the Protection of Inventions and Designs exhibited at certain Industrial Exhibitions in the United Kingdom - - - - -	(G. B. & I.)	3.
----- for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition for the Year 1865 - - - - -	(I.)	6.
Ireland, Acts relating specially to. See Bankruptcy and Insolvency. Belfast. Benefices. Civil Bill Courts Procedure. Constabulary Force. Debentures. Dogs. Drainage of Land. Dublin. Game. Game Licenses. Irish Bankrupt and Insolvent Act. Kingstown. Land Debentures. Land Drainage. Land, Titles to. Married Women's Property. National Gallery, Dublin. Peace Preservation. Pheasants. Police. Poor. Procedure. Public Works. Record of Title. Sheep. Small Benefices. Superannuations. Titles to Land. Ulster Canal. Union Officers. Vagrancy.		
Irish Bankrupt and Insolvent Act; to amend "The Irish Bankrupt and Insolvent Act, 1857" (20 & 21 Vict. c. 60) - - - - -	(I.)	21.
Isle of Man (Disafforestation); to authorize certain Payments out of the Land Revenues of the Crown to provide Compensation for certain Claims in the Isle of Man - - - - -	(U. K.)	28.

J.

Jurisdiction, Foreign; to explain the Foreign Jurisdiction Act (6 & 7 Vict. c. 94) - - - - -	(U. K.)	116.
Jurisdiction of County Courts; to confer on the County Courts a limited Jurisdiction in Equity - - - - -	(E.)	99.
Justice, Administration of. See Affirmations. Bankruptcy and Insolvency. Chancery (Lancaster). Civil Bill Courts Procedure. Common Law Courts. County Courts. County of Sussex. Courts of Justice. Crown Suits. East India. Election Petitions. Evidence. Exchequer. Felony and Misdemeanor. Foreign Jurisdiction. Justices Proceedings. Laws, Colonial. Married Women's Property. Peace Preservation. Penalties. Procurators. Trespass. Trustees, &c. Vagrancy.		
Justice, Courts of; to supply Means towards defraying the Expenses of providing Courts of Justice and the various Offices belonging thereto; and for other Purposes - - - - -	(E.)	48.
----- to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a Site for the Erection and Concentration of Courts of Justice, and of the various Offices belonging to the same - - - - -	(E.)	49.
Justices Proceedings Confirmation; to make better Provision respecting the Transaction of County Business and the Administration of Justice at Quarter Sessions in the County of Sussex; and to confirm certain Proceedings of the Justices of the said County - - - - -	(E.)	37.

K.

Kaffraria; for the Incorporation of the Territories of British Kaffraria with the Colony of the Cape of Good Hope - - - - -	(U. K.)	5.
Kingston-upon-Hull. See Local Government.		
Kingstown; to amend the Acts relating to the Harbour of - - - - -	(I.)	67.

L.	Cap.
Lamborne (Berks); to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint James-the-Greater Chapel, Eastbury, in the Parish of Lamborne (Berks) - - - - -	(E.) 81.
Lancaster Court of Chancery; to extend to the Court of Chancery of the County Palatine of Lancaster certain of the Provisions of the Act 23 & 24 Vict. c. 145, to give to Trustees, Mortgagees, and others, certain Powers now commonly inserted in Settlements, Mortgages, and Wills - - - - -	(E.) 40.
Land Debentures; authorising Transferable Debentures to be charged upon Land in Ireland - - - - -	(I.) 101.
Land Drainage; to confirm a Provisional Order under "The Land Drainage Act, 1861" (24 & 25 Vict. c. 133) - - - - -	(E.) 23.
----- to amend "The Drainage and Improvement of Lands Acts (Ireland)" (26 & 27 Vict. c. 88, and 27 & 28 Vict. c. 72), and to afford further Facilities for the Purposes thereof - - - - -	(I.) 52.
----- to confirm certain Provisional Orders under "The Drainage and Improvement of Lands Act (Ireland) 1863" (26 & 27 Vict. 88), and the Act amending the same - - - - -	(I.) 13.
----- to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863" (26 & 27 Vict. c. 88), and the Act amending the same - - - - -	(I.) 53.
Land Revenues of the Crown. See Compensations, &c.	
Land, Titles to; for the recording of Titles to Land in Ireland - - -	(I.) 88.
Lands, Inclosure of; to authorise the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales - - - - -	(E.) { 20. 39.
Law of Evidence; for amending the Law of Evidence and Practice on Criminal Trials - - - - -	(E. & I.) 18.
Law of Partnership; to amend the Law of Partnership - - - - -	(G. B. & I.) 86.
Laws, Colonial; to remove Doubts as to the Validity of Colonial Laws - - - - -	(U. K.) 63.
Leasing, Ecclesiastical; to amend certain Provisions in "The Ecclesiastical Leasing Act, 1858" (21 & 22 Vict. c. 57) - - - - -	(E.) 57.
Letters Patent. See High Courts in India.	
Licenses, Game; to extend the Powers now vested in Justices of the Peace to grant Licenses to deal in Game to the Divisional Magistrates within the Police District of Dublin Metropolis - - - - -	(I.) 2.
Lists and Ballots for the Militia. See Militia.	
Llandrillo. See Piers and Harbours.	
Llangollen. See Local Government.	
Loans. See Colonial Docks.	
Local Government; to confirm certain Provisional Orders under "The Local Government Act, 1858" (21 & 22 Vict. c. 98), relating to the Districts of Bridlington, Brighouse, Burnley, Henley, Shipley, Walingford, Llangollen, Ormskirk, Swansea, Tormoham, and Lockwood - - - - -	(E.) 24.
----- to confirm certain Provisional Orders under "The Local Government Act, 1858" (21 & 22 Vict. c. 98), relating to the Districts of Derby, Ramsgate, Oswestry, Bury, Heap, Cockermouth, Matlock Bath, and Bromsgrove - - - - -	(E.) 25.
----- to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Sheffield, Bradford, and Gloucester - - - - -	(E.) 41.
----- to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Nottingham, Rusholme, Plymouth, Redcar, Cardiff, Kingston-upon-Hull, Guildford, Ramsgate, Ryde, Workington, and Oxford, and for other Purposes relative to certain Districts under the said Act - - - - -	(E.) 108.
----- to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the Hastings District - - -	(E.) 110.

Cap.

Lockwood. *See* Local Government.

Locomotives on Roads; further regulating the Use of Locomotives on Turnpike and other Roads, for Agricultural and other Purposes - } (G. B. & I.) 83.

Lunatic Asylums; to explain and amend "The Lunatic Asylum Act, 1853" (16 & 17 Vict. c. 97), and "The Lunacy Act Amendment Act, 1862" (25 & 26 Vict. c. 111), with reference to Counties of Towns which have Courts of Quarter Sessions, but no Recorder - } (E.) 80.

M.

Main Drainage (Metropolis); to extend the Period for borrowing the Sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863 (26 & 27 Vict. c. 68) - - - - - } (E.) 19.

Maldon. *See* Piers and Harbours.

Malt; to allow the charging of the Excise Duty on, according to the Weight of the Grain used - - - - - } (G. B. & I.) 66.

Marines; for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - } (U. K.) 12.

----- for regulating the Payment of Naval and Marine Pay and Pensions - - - - - } (U. K.) 73.

----- to make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines - - - - - } (U. K.) 72.

----- to regulate the Disposal of Money and Effects under the Control of the Admiralty, belonging to deceased Officers, Seamen, and Marines of the Royal Navy and Marines, and other Persons - } (U. K.) 111.

Marriages Validity; to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint James-the-Greater Chapel, Eastbury, in the Parish of Lamborne (Berks) - - - - - } (E.) 81.

----- to remove Doubts respecting the Validity of certain Marriages contracted in Her Majesty's Possessions abroad - } (U. K.) 64.

Married Women's Property; to provide for the Security of Property of Married Women separated from their Husbands in Ireland - } (I.) 43.

Matlock Bath. *See* Local Government.

Meetings of Commissioners of Supply; to authorize the Alteration of the Time for holding Statutory Meetings of Commissioners of Supply in Scotland - - - - - } (S.) 38.

Merchant Shipping Act. *See* Pilotage.

Metropolitan Fire Brigade; for the Establishment of a Fire Brigade within the Metropolis - - - - - } (E.) 90.

Metropolitan Houseless Poor; to make the Metropolitan Houseless Poor Act (27 & 28 Vict. c. 116) perpetual - - - - - } (E.) 34.

Metropolitan Main Drainage; to extend the Period for borrowing the Sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863 (26 & 27 Vict. c. 68) - - - - - } (E.) 19.

Mevagissey. *See* Piers and Harbours.

Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - - - - } (G. B. & I.) 46.

----- to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons' Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers - - - - - } (G. B. & I.) 47.

Misdemeanor. *See* Felony and Misdemeanor.

Mortgage Debentures; to enable certain Companies to issue Mortgage Debentures founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities - - - - - } (E.) 78.

Mortgagees. *See* Trustees, Mortgagees, &c.

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Mutiny; for punishing Mutiny and Desertion, and for the better Pay- ment of the Army and their Quarters - - - - -	(U. K.)	11.
----- for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - -	(U. K.)	12.

N.

National Gallery, Dublin; to amend the Acts 17 & 18 Vict. c. 99, and 18 & 19 Vict. c. 44, for the Establishment of a National Gallery in Dublin - - - - -	(I.)	71.
Naval Defence of the Colonies, to make better Provision for the -	(U. K.)	14.
Naval Discipline—Navy and Marines; to amend The Naval Discipline Act, 1864 (27 & 28 Vict. c. 119) - - - - -	(U. K.)	115.
----- for regulating the Payment of Naval and Marine Pay and Pensions - - - - -	(U. K.)	73.
----- to make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines - - - - -	(U. K.)	72.
----- to regulate the Disposal of Money and Effects under the Control of the Admiralty, belonging to deceased Officers, Sea- men, and Marines of the Royal Navy and Marines, and other Persons - - - - -	(U. K.)	111.
----- See also Admiralty. Mutiny.		

Northam. See Piers and Harbours.

Nottingham. See Local Government.

O.

Oaths. See Affirmations. Clerical Subscription.

Officers. See Army. Militia. Naval Discipline.

Officers of Unions. See Superannuation.

Offices, Qualifications for. See Indemnity.

Ormskirk. See Local Government.

Oswestry. See Local Government.

Oxford. See Local Government.

Oxford University; to empower the University of Oxford to make Statutes as to the Vinerian Foundation in that University - - -	(E.)	55.
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P.

Parsonages; to amend and render more effectual the Law for providing fit Houses for the Beneficed Clergy, and for other Purposes - - -	(E.)	69.
Partnership, to amend the Law of - - - - -	(G. B. & I.)	86.
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Peace Preservation; to continue and amend "The Peace Preservation (Ireland) Act, 1856" (19 & 20 Vict. c. 36) - - - - -	(I.)	118.
Penalties; to amend the Law relating to Small Penalties - - -	(E.)	127.
Pensarn. See Piers and Harbours.		
Pensions; to authorise the Payment of Retiring Pensions to Colonial Governors - - - - -	(U. K.)	113.
----- for regulating the Payment of Naval and Marine Pay and Pensions - - - - -	(U. K.)	73.
Perth; to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862" (25 & 26 Vict. c. 101), relating to the Burgh of Perth - - - - -	(S.)	7.

	<i>Cap.</i>
Petitions, Election; to amend "The Election Petitions Act, 1848" } (G. B. & I.) 8. (11 & 12 Vict. c. 98), in certain Particulars - - - - - }	
Pheasants; to alter the Days between which Pheasants may not be } (I.) 54. killed in Ireland - - - - - }	
Piers and Harbours; for confirming, with Amendments, certain Pro- } (G. B. & I.) 58. visional Orders made by the Board of Trade under "The General } Pier and Harbour Act, 1861," (24 & 25 Vict. c. 45), relating to } Carrickfergus, Hastings, Maldon, Northam, and Shanklin - - }	
----- for confirming, with Amendments, certain Provi- } (G. B. & I.) 76. sional Orders made by the Board of Trade under "The General } Pier and Harbour Act, 1861" (24 & 25 Vict. c. 45), relating to } Girvan, Mevagissey, and Stornoway - - - - - }	
----- for confirming, with Amendments, certain Provi- } (G. B. & I.) 114. sional Orders made by the Board of Trade under "The General } Pier and Harbour Act, 1861" (24 & 25 Vict. c. 45), relating to } Eastbourne, Clevedon, Herne Bay, Llandrillo, and Pensarn - - }	
Pilotage; for confirming, with Amendments, a Provisional Order made } (E.) 59. by the Board of Trade under "The Merchant Shipping Act Amend- } ment Act, 1862" (25 & 26 Vict. c. 63), relating to the Pilotage of } the Port of Sunderland - - - - - }	
----- for confirming a Provisional Order made by the Board } (E.) 44. of Trade under "The Merchant Shipping Act Amendment Act, } 1862" (25 & 26 Vict. c. 63), relating to the Pilotage of the River } Tyne - - - - - }	
Plymouth. <i>See</i> Local Government.	
Police; to alter the Distribution of the Constabulary Force in Ireland, } (I.) 70. and to make better Provision for the Police Force in the Borough } of Belfast - - - - - }	
----- to amend the Law relating to the Police Superannuation Funds } (E.) 35. in Counties and Boroughs - - - - - }	
----- to confirm a Provisional Order under "The General Police } (S.) 7. and Improvement (Scotland) Act, 1862" (25 & 26 Vict. c. 101), } relating to the Burgh of Perth - - - - - }	
Poor—Poor Law; to continue the Poor Law Board for a limited } (E.) 105. Period - - - - - }	
----- to provide for the better Distribution of the Charge } (E.) 79. for the Relief of the Poor in Unions - - - - - }	
----- to make "The Metropolitan Houseless Poor Act" } (E.) 34. (27 & 28 Vict. c. 116) perpetual - - - - - }	
----- to provide for Superannuation Allowances to Officers } (I.) 26. of Unions in Ireland - - - - - }	
----- to provide for the Exemption of Churches and } (S.) 62 Chapels in Scotland from Poor Rates - - - - - }	
Portland. <i>See</i> Fortifications.	
Ports, Dockyard; for the Regulation of Dockyard Ports - - - - (G. B. & I.) 125.	
Portsmouth and Chatham Dockyards; to enable the Admiralty to } (E.) 51. contract for certain Works in connexion with the Extension of Her } Majesty's Dockyards - - - - - }	
Post Office; to enable Her Majesty's Postmaster General to acquire a } (E.) 87. Site for the Extension of the General Post Office in St. Martin's-le- } Grand, in the City of London - - - - - }	
Practice. <i>See</i> Exchequer. Felony and Misdemeanor.	
Presidencies in India. <i>See</i> East India.	
Prevention of Trespass; to provide for the better Prevention of Tres- } (S.) 56. pass in Scotland - - - - - }	
Prisons, to consolidate and amend the Law relating to - - - - (E.) 126.	
----- to amend "The Prisons (Scotland) Administration Act, 1860" } (S.) 84. (23 & 24 Vict. c. 105), and to explain the Fifty-second and Seventy- } seventh Sections of the said Act - - - - - }	
----- <i>See also</i> Falmouth.	

Private Bill Costs ; for awarding Costs in certain Cases of Private Bills - - - - -	(U. K.)	Cap. 27.
Procedure (Civil Bill Courts); to amend certain Clerical Errors in "The Civil Bill Courts Procedure Amendment Act (Ireland), 1864" (27 & 28 Vict. c. 99) - - - - -	(I.)	1.
Procurators ; to amend the Laws relating to Procurators in Scotland -	(S.)	85.
Property of Married Women ; to provide for the Security of Property of Married Women separated from their Husbands in Ireland -	(I.)	43.
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Provisional Orders Confirmation. See Drainage and Improvement of Lands. Local Government. Piers and Harbours. Pilotage. Turnpike Trusts, &c.		
Public Audit. See Comptroller of the Exchequer.		
Public Buildings. See Courts of Justice. India Office. Public Offices.		
Public Debt ; to make further Provision for the Management of the Unredeemed Public Debt in Ireland, and for the Reduction of the Interest payable on certain Sums advanced by the Bank of Ireland for the Public Service - - - - -	(G. B. & I.)	16. °
Public Houses ; to amend the Act 27 & 28 Vict. c. 64, commonly called "The Public House Closing Act, 1864" - - - - -	(E.)	77.
Public Offices ; to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Lands for improving the Site of the new Public Offices in Downing Street, and the Approaches thereto - - - - -	(E.)	31.
Public Works ; for transferring the Ulster Canal to the Commissioners of Public Works in Ireland - - - - -	(I.)	109.

Q.

Qualifications for Offices ; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - - - - -	(G. B. & I.)	97.
Quarter Sessions, Falmouth ; to provide for the Discontinuance of a separate Court of Quarter Sessions and a separate Gaol in the Borough of Falmouth - - - - -	(E.)	103.

R.

Railway (War Department); to enable Her Majesty's Secretary of State for the War Department to lay down and use a Tramway or Temporary Railway across certain Public Roads in the County of Devon - - - - -	(E.)	74.
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Rates, Taxes, and Duties. See Customs and Inland Revenue. Excise. Poor.		
Record of Title ; for the recording of Titles to Land in Ireland - -	(I.)	88.
Redcar. See Local Government.		
Registration of Mortgage Debentures ; to enable certain Companies to issue Mortgage Debentures founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debenture and Securities - - - - -	(E.)	78.
Registration of County Voters, to amend the Law relating to - -	(E.)	36.
Relief of the Poor. See Poor.		
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Revenues of Greenwich Hospital ; to provide for the better Government of Greenwich Hospital, and the more beneficial Application of the Revenues thereof - - - - -	(U. K.)	89.

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Revising Barristers; to amend the Law relating to the Registration of County Voters, and to the Powers and Duties of Revising Barristers, in certain Cases - - - - -	(E.)	36.
Roads; for further regulating the use of Locomotives on Turnpike and other Roads for Agricultural and other Purposes - - - - -	(G. B. & I.)	83.
—— See also Turnpike Trusts, &c.		
Robbers and Rapparees. See Vagrancy.		
Rochdale Vicarage; to regulate the Appointment of a Vicar or Incumbent to the Vicarage of the Parish Church of Rochdale (Lancaster), in the Diocese of Manchester - - - - -	(E.)	117.
Royal Arsenals, &c.; for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal - - - - -	(U. K.)	61.
Royal Marines. See Naval Discipline, &c.		
Royal Navy. See Naval Discipline, &c.		
Rusholme. See Local Government.		
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S.

Saint Martin's-le-Grand. See General Post Office.		
Salmon Fishery; to amend "The Salmon Fishery Act, 1861" (24 & 25 Vict. c. 109) - - - - -	(E.)	121.
Scotland, Acts relating specially to. See Affirmations. Ayr Burghs. Churches and Chapels. Commissioners of Supply. Furnaces. General Police Act. Perth. Poor. Prisons. Procurators. Smoke Nuisance. Trespass.		
Scottish Herring Fisheries; to amend the Acts 23 & 24 Vict. c. 92, and 24 & 25 Vict. c. 72, relating to the Scottish Herring Fisheries - - - - -	(G. B.)	22.
Seamen. See Naval Discipline, &c.		
Settlements. See Trustees, &c.		
Sewage Utilization; facilitating the more useful Application of Sewage in Great Britain and Ireland - - - - -	(G. B. & I.)	75.
Shanklin. See Piers and Harbours.		
Sheep and Cattle; to render Owners of Dogs in England and Wales liable for Injuries to Cattle and Sheep - - - - -	(E.)	60.
—— for regulating the keeping of Dogs, and for the Protection of Sheep and other Property from Dogs, in Ireland - - - - -	(I.)	50.
Sheffield. See Local Government.		
Shipley. See Local Government.		
Sites for Public Offices. See Courts of Justice. India Office. Public Offices.		
Small Benefices; to amend "The Endowment and Augmentation of Small Benefices (Ireland) Act, 1860" (23 & 24 Vict. c. 72) - - - - -	(I.)	82.
Small Penalties, to amend the Law relating to - - - - -	(E.)	127.
Smoke Nuisance; to amend the Act 20 & 21 Vict. c. 73, for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland, and the Act, 24 & 25 Vict. c. 17, to amend the said Act - - - - -	(S.)	102.
Spirits; to allow British Compounded Spirits to be warehoused upon Drawback - - - - -	(U. K.)	98.
Stamps; to provide for the Collection, by means of Stamps, of Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto - - - - -	(E.)	45.
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Subscription (Clerical); to amend the Law as to the Subscriptions and Declarations to be made and Oaths to be taken by the Clergy of the Established Church of England and Ireland - - - - -	(E. & I.) 122.
Sugar Duties; to amend the Law relating to the Duties on Sugar, and the Drawbacks on those Duties - - - - -	(U. K.) 95.
Sunderland; for confirming, with Amendments, a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862" (25 & 26 Vict. c. 63), relating to the Pilotage of the Port of Sunderland - - - - -	(E.) 59.
Superannuation; to enable the Ecclesiastical Commissioners for England to grant Superannuation Allowances to Persons employed in their Service - - - - -	(E.) 68.
----- to amend the Law relating to the Police Superannuation Funds in Counties and Boroughs - - - - -	(E.) 35.
----- to provide for Superannuation Allowances to Officers of Unions in Ireland - - - - -	(I.) 26.
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Suspension of Militia Ballots. <i>See Militia.</i>	
Sussex (County); to make better Provision respecting the Transaction of County Business and the Administration of Justice at Quarter Sessions in the County of Sussex, and to confirm certain Proceedings of the Justices of the said County - - - - -	(E.) 37.
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Taxes, Rates, and Duties. <i>See Customs and Inland Revenue. Excise. Poor.</i>	
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Tithes; for facilitating the Annexation of Tithes to District Churches -	(E.) 42.
Titles to Land; for the recording of Titles to Land in Ireland - -	(I.) 88.
Tories, Robbers, and Rapparees; to repeal the Act 6 Anne, c. 11 (I.), for explaining and amending the several Acts against Tories, Robbers, and Rapparees - - - - -	(I.) 33.
Tormoham. <i>See Local Government.</i>	
Towns, Local Government of. <i>See Local Government.</i>	
Tramway (War Department); to enable Her Majesty's Secretary of State for the War Department to lay down and use a Tramway or temporary Railway across certain Public Roads in the County of Devon - - - - -	(E.) 74.
Trespass; to provide for the better Prevention of Trespass in Scotland -	(S.) 56.
Trustees, Mortgagees, &c.; to extend to the Court of Chancery of the County Palatine of Lancaster certain of the Provisions of the Act 23 & 24 Vict. c. 145, to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills - - - - -	(E.) 40.
Turnpike Trusts, &c; to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38, to facilitate Arrangements for the Relief of Turnpike Trusts - - - - -	(E.) 91.
----- to continue certain Turnpike Acts in Great Britain	(G. B.) 107.
----- for further regulating the Use of Locomotives on Turnpike and other Roads for Agricultural and other Purposes -	(G. B. & I.) 83.
Tyne River; for confirming a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," relating to the Pilotage of the River Tyne - - - - -	(E.) 44.

U.

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Ulster Canal; for transferring the Ulster Canal to the Commissioners of Public Works in Ireland - - - - - }	(I.)	109.
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University of Oxford; to empower the University of Oxford to make Statutes as to the Vinerian Foundation in that University - - - }	(E.)	55.
Unredeemed Public Debt; to make further Provision for the Management of the Unredeemed Public Debt in Ireland, and for the Reduction of the Interest payable on certain Sums advanced by the Bank of Ireland for the Public Service - - - - - }	(G. B. & I.)	16.
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V.

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Vinerian Foundation, Oxford; to empower the University of Oxford to make Statutes as to the Vinerian Foundation in that University - }	(E.)	55.
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Warehousing of British Spirits. <i>See</i> Spirits.		
Wills. <i>See</i> Trustees, &c.		
Wills of Seamen, &c.; to make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines - - - }	(U. K.)	72.
Women. <i>See</i> Married Women's Property.		
Workington. <i>See</i> Local Government.		



A

B I L L

TO

Render it unnecessary to make and subscribe certain
Declarations as a Qualification for Offices and
Employments, and for other Purposes.

WHEREAS an Act was passed in the Ninth Year of the Preamble.
Reign of King George the Fourth, intituled “ An Act for 9 Geo. 4.
“ repealing so much of several Acts as imposes the Nec- c. 17.
“ sity of receiving the Sacrament of the Lord’s Supper as a Qualifi-
5 “ cation for certain Offices and Employments :” And whereas another
Act was passed in the First and Second Years of the Reign of
Her present Majesty, intituled “ An Act for the Relief of Quakers, 1 & 2 Vict.
“ Moravians, and Separatists elected to Municipal Offices :” And c. 5.
whereas another Act was passed in the First and Second Years of
10 the Reign of Her present Majesty, intituled “ An Act for the further 1 & 2 Vict.
“ Relief of Quakers, Moravians, and Separatists :” And whereas c. 15.
another Act was passed in the Eighth and Ninth Years of the Reign
of Her present Majesty, intituled “ An Act for the Relief of Persons 8 & 9 Vict.
“ of the Jewish Religion elected to Municipal Offices :” And whereas c. 52.
15 it is expedient to render it unnecessary to make and subscribe any
Declaration prescribed by any of the said Acts : Be it enacted by
the Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in
[Bill 2.] this

this present Parliament assembled, and by the Authority of the same, as follows :

Obligation
to make
Declarations
prescribed
by the re-
cited Acts
abolished.

1. It shall not be obligatory for any Person who shall hereafter be placed, elected, or chosen in or to the Office of Mayor, Alderman, Recorder, Bailiff, Town Clerk, or Common Councilman, or in or to any Office or Magistracy, or Place, Trust, or Employment relating to the Government of any County, City, Corporation, Borough, or Cinque Port, within England and Wales or the Town of Berwick-upon-Tweed, either before or upon or after his Admission into any of the aforesaid Offices or Trusts, or for any Person who shall hereafter be admitted into any Office or Employment, or who shall accept from Her Majesty, Her Heirs and Successors, any Patent, Grant, or Commission, either before or upon or after his Admission to any Office, Employment, or Place of Trust, or his Acceptance of any Patent, Grant, or Commission, to make and subscribe any Declaration prescribed by any of the said Acts. 5 10 15

Indemnity for
Persons who
have not
made Decla-
rations re-
quired by the
recited Acts.

2. Every Person who at or before the *passing of this Act* hath omitted to make and subscribe any Assurance or Declaration prescribed by the said Acts or any of them, or otherwise to qualify himself within such Time and in such Manner as in and by the said Acts or any of them is required, shall be and is hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Omission of making and subscribing any Assurance or Declaration required by the said Acts or any of them according to the same Acts or any of them, or any other Act or Acts, and every such Person is and shall be fully and actually recapacitated and restored to the same State and Condition as he was in before such Neglect or Omission, and shall be deemed and adjudged to have duly qualified himself according to the same Acts and every of them, and all Elections of and Acts done or to be done by any such Person, or by Authority derived from him, are and shall be of the same Force and Validity as the same or any of them would have been if such Person had duly made and subscribed such Assurance and Declaration according to the Directions of the said Acts or any of them. 20 25 30 35

Qualification for Offices Abolition.

A

BILL

To render it unnecessary to make and
subscribe certain Declarations as a
Qualification for Offices and Employ-
ments, and for other Purposes.

(*Prepared and brought in by*
Mr. Haugfield, Sir Morton Peto, and Mr. Baines.)

Ordered, by The House of Commons, to be Printed,
9 February 1865.

[Bill 2.]

Under 1 oz.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Render it unnecessary to make and subscribe certain Declarations as a Qualification for Offices and Employments, and for other Purposes.

WHEREAS an Act was passed in the Ninth Year of the Preamble.
Reign of King George the Fourth, intituled “ An Act for 9 Geo. 4.
“ repealing so much of several Acts as imposes the Nec- c. 17.
sity of receiving the Sacrament of the Lord’s Supper as a Quali-
5 “ cation for certain Offices and Employments :” And whereas another
Act was passed in the First and Second Years of the Reign of
Her present Majesty, intituled “ An Act for the Relief of Quakers, 1 & 2 Vict.
“ Moravians, and Separatists elected to Municipal Offices :” And c. 5.
whereas another Act was passed in the First and Second Years of
10 the Reign of Her present Majesty, intituled “ An Act for the further 1 & 2 Vict.
“ Relief of Quakers, Moravians, and Separatists :” And whereas c. 15.
another Act was passed in the Eighth and Ninth Years of the Reign
of Her present Majesty, intituled “ An Act for the Relief of Persons 8 & 9 Vict.
“ of the Jewish Religion elected to Municipal Offices :” And whereas c. 52.
15 it is inexpedient that it should be necessary to make and subscribe
any Declaration prescribed by any of the said Acts: Be it enacted by
the Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in
[Bill 62.] this

this present Parliament assembled, and by the Authority of the same, as follows :

Obligation
to make
Declarations
prescribed
by the re-
cited Acts
abolished.

1. It shall not be obligatory for any Person who shall hereafter be placed, elected, or chosen in or to the Office of Mayor, Alderman, Recorder, Bailiff, Town Clerk, or Common Councilman, or in or to 5 any Office or Magistracy, or Place, Trust, or Employment relating to the Government of any County, City, Corporation, Borough, or Cinque Port, within England and Wales or the Town of Berwick-upon-Tweed, either before or upon or after his Admission into any of the aforesaid Offices or Trusts, or for any Person who shall 10 hereafter be admitted into any Office or Employment, or who shall accept from Her Majesty, Her Heirs and Successors, any Patent, Grant, or Commission, either before or upon or after his Admission to any Office, Employment, or Place of Trust, or his Acceptance of any Patent, Grant, or Commission, to make and subscribe any 15 Declaration prescribed by any of the said Acts.

Indemnity for
Persons who
have not
made Decla-
rations re-
quired by the
recited Acts.

2. Every Person who at or before the passing of this Act hath omitted to make and subscribe any Assurance or Declaration pre- scribed by the said Acts or any of them, or otherwise to qualify himself within such Time and in such Manner as in and by the said 20 Acts or any of them is required, shall be and is hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Omission of making and subscribing any Assurance or Decla- ration required by the said Acts or any of them according to the same 25 Acts or any of them, or any other Act or Acts, and every such Person is and shall be fully and actually recapacitated and restored to the same State and Condition as he was in before such Neglect or Omission, and shall be deemed and adjudged to have duly qualified himself according to the same Acts and every of them, and all 30 Elections of and Acts done or to be done by any such Person, or by Authority derived from him, are and shall be of the same Force and Validity as the same or any of them would have been if such Person had duly made and subscribed such Assurance and Declaration according to the Directions of the said Acts or any of them. 35

Qualification for Offices Abolition.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To render it unnecessary to make and
subscribe certain Declarations as a
Qualification for Offices and Employ-
ments, and for other Purposes.

*(Prepared and brought in by
Mr. Hadfield, Sir Morton Peto, and Mr. Baines.)*

*Ordered, by The House of Commons, to be Printed,
9 March 1865.*

[Bill 62.]

Under 1 oz.



A

BILL

TO

Repeal so much of the Act of the Twenty-seventh and Twenty-eighth Years of Victoria, Chapter One hundred and twenty-one, intituled “The Railway Construction Facilities Act, 1864,” as prevents the Board of Trade from proceeding on the Application of Promoters in Cases where any Railway or Canal Company affected in any way by the proposed Undertaking may lodge Notice of Opposition.

WHEREAS by the Act of the Twenty-seventh and Twenty-eighth Victoria, Chapter One hundred and twenty-one, intituled "An Act to facilitate in certain Cases the obtaining of Powers for the Construction of Railways" (herein called the recited Act), it was enacted (by Section Nine thereof), "If in any Case any Railway or Canal Company desire to be heard by Counsel, Agents, and Witnesses against the proposed Undertaking, and (within such Time as is prescribed by General Rules under this Act) lodge at the Office of the Board of Trade a Notice in Writing to that Effect (herein-after refered to as a Notice of Opposition) in the Form set forth in the Schedule to this Act (with such Variations as Circumstances require), in that Case the Board of Trade, if the Railway or Canal Company lodging th

[Bill 37.]

2 *Railway Construction Facilities Act (1864) Amendment.*

“ taking, shall not proceed on the Application of the Promoters ;”
and it was further enacted (by Section Ten thereof) “ Where the
“ Board of Trade do not proceed on the Application, they shall,
“ not later in any Year than the Fifteenth Day of February if
“ Parliament is then sitting, and if not then within Seven Days 5
“ after the next Meeting of Parliament, lay before both Houses
“ Parliament a Copy of the Draft Certificate lodged by the
“ Promoters, and of the Notice of Opposition ; and the Promoters
“ shall be at liberty to seek by way of Bill in the same Session,
“ in such Manner and on such Conditions as the Houses of 10
“ Parliament respectively, by Standing Order or otherwise, from
“ Time to Time direct, such Powers as were sought by them by
“ way of Certificate :” And whereas it would be expedient and
greatly for the public Advantage that the said Two Sections should
be repealed : Be it therefore enacted by the Queen’s most Excellent 15
Authority, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows :

Repeal of
Sections
9. and 10. of
recited Act.

1. That the said Sections Nine and Ten of the recited Act, with all
Provisions and Expressions in the said Act or in the Schedule there- 20
unto annexed, which in any way relate to or are connected with the
said Sections, be and the same are hereby repealed ; and the said Act
shall be read and construed and carried into effect in all respects as
if the said Sections, with all Provisions and Expressions as aforesaid,
were not contained in the said Act. 25

Short Title.

2. This Act may be cited as “The Railways Construction
Facilities Act Amendment Act, 1865.”

Railway Construction Facilities Act (1864) Amendment.

A

B I L L

To repeal so much of the Act of the Twenty-seventh and Twenty-eighth Years of Victoria, Chapter One hundred and twenty-one, intituled “The Railway Construction Facilities Act, 1864,” as prevents the Board of Trade from proceeding on the Application of Promoters in Cases where any Railway or Canal Company affected in any way by the proposed Undertaking may lodge Notice of Opposition.

(Prepared and brought in by
Mr. Whalley and Mr. McMahon.)

*Ordered, by The House of Commons, to be Printed,
21 February 1865.*

[Bill 37.]

Under 102.

Railway Debentures, &c. Registry Bill.

ARRANGEMENT OF CLAUSES.

Short Title ; Sect. 1.

Railway Companies to make yearly Returns to Registrar of Joint Stock Companies, according to Form in the Schedule ; 2.

Board of Trade may appoint Assistant Registrars ; 3.

Railway Companies shall make yearly Returns to Register Office, according to Form in Schedule ; 4.

Registrar to register Debentures and Debenture Stock ; 5.

Companies to register Debentures, &c., redeemed ; 6.

Holders of registered Debentures, &c., to have Priority of other Debts ; 7.

Persons may inspect Register, on Payment of a Fee ; 8.

Directors of Companies making default to be subject to Penalties ; 9.

How Offences are to be prosecuted ; in England ; in Scotland ; in Ireland ; 10.

Summonses may be served on Secretary or Director of Railway Companies ; 11.

Persons making Returns wilfully false to be guilty of a Misdemeanor ; 12.

SCHEDULE.



A

B I L L

INTITULED

An Act for the Registry of Railway Debentures and Debenture Stock and other Obligations.

WHEREAS it is expedient that there should be a public Preamble.
Registry of all Railway Debentures and Debenture
Stock and other Obligations, and that Railway Directors
should be restrained from issuing any Security exceeding the
5 Amount of the statutory Borrowing Powers of any Railway
Company: Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows :

10 1. This Act may be cited for all Purposes, "The Railway Deben- Short Title.
tures and Debenture Stock Registration Act, 1865."

15 2. Within a Period of Three Calendar Months after the passing
of this Act every existing Railway Company shall make a Return
according to the Forms I., II., and III. contained in the Sche-
dules to this Act, in England to the existing Registrar of Joint
Stock Companies appointed under the Provisions of the Company's
Act, 1862, or in his Absence to such Person as the Board of Trade
may for the Time being authorize, in Scotland to the existing
Railway Companies to make yearly Returns to Registrar of Joint Stock Companies, according to Form in the Schedule.

[Bill 241.]

A 2

Registrar

Registrar of Joint Stock Companies in Scotland, and in Ireland to the existing Assistant Registrar of Joint Stock Companies for Ireland, or to such Person as the Board of Trade may authorize, but in the event of the Board of Trade altering the Constitution of the existing Registry Offices, such Registration shall be done by such 5 Officer or Officers, at such Place or Places, with reference to the local Situation of the Railways, as the Board of Trade may appoint.

Board of
Trade may
appoint
Assistant
Registrars.

3. The Board of Trade, in the event of the present Registrars being unable to perform the Duties authorized by this Act, may 10 from Time to Time appoint a Registrar Assistant, Registrar's Clerks, and Servants, as they may think necessary for the Registration under this Act, and remove them at Pleasure.

Railway
Companies
shall make
yearly
Returns to
Registrar
Office,
according to
Form in
Schedule.

4. Every existing Railway Company and every Railway Com-
pany hereafter formed shall, on or before the First of January in 15
every succeeding Year, make a Return according to the Forms I.,
II., and III. in the Schedule to this Act annexed.

Registrar to
register De-
bentures and
Debenture
Stock.

5. From and after Three Months after the passing of this Act, every Railway Company shall deliver to the Registrar herein-before mentioned every Debenture Bond or Certificate of Debenture Stock 20 immediately after the perfecting of the same; and thereupon the Registrar, after having ascertained that the said Railway Company has not exceeded the Sum authorized to be borrowed by the Act or Acts incorporating or empowering the said Railway Company to borrow, shall forthwith register the same according to the Form 25 No. II. in the Schedule to this Act contained, and shall endorse upon every such Debenture Bond or Certificate of Debenture Stock a Certificate that such Registration has been duly performed.

Companies to
register De-
bentures,
&c., re-
deemed.

6. Every Railway Company, upon the Discharge of any De-
benture Bonds or Debenture Stock, shall send in for Registration 30
all Debenture Bonds and all Vouchers of Debenture Stock which
are discharged, and upon the Receipt thereof the said Registrar
shall register the same according to the Form No. III. in the Sche-
dule to this Act annexed.

Holders of
registered
Debentures,
&c., to have
Priority of
other Debts.

7. Except as is herein-after excepted, the Holders of statutory 35
Debentures and Debenture Stock duly registered shall have a Priority
to all the other Debts of their respective Companies; Provided
always, that the Holders of Statutory Debentures and Debenture
Stock duly registered as aforesaid shall not have Priority over
the Debentures and Debenture Stock of the respective Companies 40
legally

legally issued at any Time before Three Months from the passing of this Act.

8. Every Person may inspect the Registry kept by the Registrars, and there shall be paid for such Inspection such Fees as may be appointed by the Board of Trade, not exceeding One Shilling for such Inspection; and any Person may require a Copy or Extract of the Registry to be certified by the Registrar, and there shall be paid for such certified Copy or Extract such Fees as the Board of Trade may appoint, not exceeding Sixpence for each Folio of such Copy or Extract, or, in Scotland, for each Sheet of Two hundred Words.

Persons may inspect Register, on Payment of a Fee.

9. If any Railway Company required by this Act to register their Debenture Bonds and Debenture Stock and the Discharges of the same makes default in complying with the Provisions hereof, then from and after the Day upon which such Company is required to register the same under this Act until the Day upon which the Requirements of this Act are fully complied with, the following Consequence shall ensue; each Director of the Company shall for each Day during which the Company shall be in such Default incur a Penalty not exceeding Five Pounds; such Penalty may be recovered by any Shareholder or Creditor of the Company.

Directors of Companies making default to be subject to Penalties.

10. All Offences under this Act, made punishable by any Penalty may be prosecuted summarily before Two or more Justices, as to England in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales," or any Act amending the same, and as to Scotland, before Two or more Justices or the Sheriff of the County in manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen Victoria, Chapter One hundred and four, intituled "An Act to amend and consolidate the Acts relating to Merchant Shipping," or any Act amending the same, as regards Offences in Scotland against that Act not being Offences by that Act described as Felonies or Misdemeanors; and as to Ireland in the Manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen Victoria, Chapter Ninety-three, and the Petty Sessions Act of the Twenty-first and Twenty-second Victoria, Chapter One hundred.

How Offences are to be prosecuted.

In England.

In Scotland.

In Ireland.

Summonses
may be
served on
Secretary or
Director of
Railway
Companies.
Persons
making Re-
turns wil-
fully false to
be guilty of
a Misde-
meanor.

11. Each and every Summons may be served on the Secretary of the Railway Company, or upon any Director personally.

12. Every Person who shall wilfully make or cause to be made, for the Purpose of being inserted in any Registry, any false Statement touching any Particulars herein required to be known and 5 registered, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for any Term not exceeding Three Years.

SCHEDULE.

[Name of Company.]

No. I.—RETURNS of Borrowing Power.

Date when received.	Acts of Parliament.	Amount authorized by Acts.	Amount sanctioned by Shareholders.	Date of Meeting when sanctioned.	Amount of Debenture Bonds and Debenture Stock outstanding at Date of Return.	
					Bonds.	Stock.

[Name of Company.]

No. II.—REGISTER of Issue of Bonds or Debentures and of Certificates of Debenture Stock.

Register Number.	Date.	Debenture Bonds.			Debenture Stock.			All other Bonds, Obligations, and Securities whatsoever.
		Number.	Date.	Amount.	Number of Certificate.	Date.	Amount.	

[Name of Company.]

No. III.—REGISTER of Discharges of Debentures and Debenture Stock.

Debentures.					Debenture Stock.			
Date when lodged.	Number of Debenture.	Date.	Registration Number.	Amount.	Number of Certificate.	Date.	Registration Number.	Amount.

Railway Debentures, &c. Registry.

A

B I L L

INTITULED

An Act for the Registry of Railway
Debentures and Debenture Stock and
other Obligations.

(*Brought from the Lords 23 June 1865.*)

*Ordered, by The House of Commons, to be printed,
23 June 1865.*

[Bill 241.]

Under 1 oz.



A

B I L L

FURTHER

To secure to the Public the Means of travelling
by Railway in Ireland.

WHEREAS it is expedient to make further Provision for Preamble.
securing to the Public the Means of travelling by Rail-
ways in Ireland: Be it therefore enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of
5 the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, as
follows:

1. From and after the *passing of this Act*, every Passenger Rail-
way Company in Ireland, so long as they shall continue to carry
10 Passengers on Week Days over any Trunk, Branch, or Junction
Line belonging to or leased by them, shall, unless excused there-
from as herein-after provided, by means of One Train at the least
each Way, provide for the Conveyance of Passengers on every
Sunday in the Year to and from the Terminal and other ordinary
15 Passenger Stations of the Lines so as aforesaid belonging to or
leased by them, under the Obligations contained in their several
Acts of Parliament, and with the Immunities applicable by Law to
Carriers of Passengers by Railways.

Railway
Companies
shall run One
Passenger
Train each
Way every
Sunday.

[Bill 66.]

2. In

Board of
Trade may
fix the Hour
such Train
shall start.

2. In case on any Railway in Ireland there shall be only One Sunday Passenger Train each Way, such Train shall start at an Hour to be from Time to Time fixed by the Directors of the Company working such Line, subject to the Approval of the Board of Trade, who shall have Power to alter the Hour so fixed, 5 and to appoint another, if they shall consider such other Hour more suitable to afford reasonable Accommodation to the Public desirous of using such Railway than the Hour fixed by the said Directors.

Board of
Trade may
excuse a
Railway
Company
from running
a Sunday
Train.

3. In case at any Time it shall appear to the Board of Trade, on 10 the Application for that Purpose by any Passenger Railway Company, that, having regard to the public Convenience of any District and the Traffic therein, such Company may be excused from running Sunday Trains, as herein-before provided, on any Line belonging to or leased by them, it shall be lawful for the Board of Trade to make 15 an Order that such Company may for the Time specified in such Order discontinue the running of Sunday Trains over their Line or Lines, but no such Order shall be made by the Board of Trade unless Proof shall be laid before the said Board that Notice of such Application to the said Board shall have been given by the Company 20 making the same One Month at least before such Application, in Two Publications of a Newspaper published or circulating in the County or Counties in which the Railway belonging to or leased by the said Company shall be situate, such Publications to be at an Interval of at least *One Week* from each other, and such Order shall 25 only be in force for such Period not exceeding *One Year* as may be mentioned in the said Order, but may be renewed from Time to Time on further Application with the like Notice to the Public of the District.

Third-class
Passengers
shall be con-
veyed within
a Day from
End to End
along all
Lines form-
ing One con-
tinuous Rail-
way Commu-
nication on
which First
and Second
Class Pas-
sengers are
conveyed
from End to
End in One
Day.

4. Every Passenger Railway Company in Ireland having or 30 working a Trunk Line or Junction Line in Ireland which forms or shall form Part of a continuous Line of Railway Communication with any Branch Line in Ireland, and over which First and Second Class Passengers are or shall be conveyed by an ordinary Train from the Terminal or other ordinary Passenger Stations 35 of said Branch Line to the Terminal or other ordinary Passenger Stations of said Trunk or Junction Line in One Day, shall, by means of One Train at the least each Way on every Day such Company shall run Passenger Trains, provide Accommodation for the Conveyance in One Day of Third-class Passengers from the 40 Terminal or other ordinary Passenger Stations of the said Branch Line to the Terminal or other ordinary Passenger Stations of the said Trunk or Junction Line, and vice versâ, so that Third-class Passengers

Passengers may be enabled to travel in One Day from the Terminal or other Passenger Stations of the said Branch Line to the Terminal or other Passenger Stations of the said Trunk or Junction Line, and vice versâ, in all Cases when Accommodation for that Purpose is provided by any Railway Company for First and Second-class Passengers by any Ordinary Train.

5. In case the Companies working the different Lines which may from Time to Time form One continuous Line of Railway Communication in Ireland shall differ about the Hours at which Accommodation for Third-class Passengers shall be severally provided by them, in order to carry out the Provisions of this Act, the Matter shall be referred to the Board of Trade, who shall have Power from Time to Time to fix the Hours at which such Accommodation shall be severally provided by the said Companies for Third-class Passengers, to carry out the Object aforesaid.

Board of Trade to settle Disputes between Companies about the Hours of forwarding Third-class Passengers.

6. The Provisions of this Act may be enforced by all the Modes provided by the Railway and Canal Traffic Act, 1854, for enforcing the Provisions of that Act; and Railway Companies shall be liable for the Nonperformance of the Provisions of this Act to all the Penalties imposed on them by the said Act for the Nonperformance of the Provisions of that Act.

Provisions of this Act to be enforced in the same Manner as the Provisions of the Railway and Canal Traffic Act, 1854.

7. In the Construction of this Act the Words "One Day" shall be considered to mean from *Seven o'Clock* in the Morning till *Ten o'Clock at Night*; the Words "Branch Railway" shall mean any Railway or Portion of a Railway forming a continuous Line of Railway Communication with any Railway of a greater Mileage than itself; and the Words "Board of Trade" shall mean the Lords of the Committee of Privy Council for Trade and Plantations.

Construction of Terms in this Act.

8. This Act may be cited as "The Railway Traffic Act (Ireland), 1865."

Title of this Act.

Railway Travelling (Ireland).

A

B I L L

Further to secure to the Public the
Means of travelling by Railway in
Ireland.

(Prepared and brought in by
Sir Colman O'Loghlen, Colonel Dickson,
Major Gavin, and Mr. Stacpoole.)

Ordered, by The House of Commons, to be Printed,
10 March 1865.

[Bill 66.]

Under 1 oz.

Railways Clauses Bill.

ARRANGEMENT OF CLAUSES.

PART I.

PRELIMINARY.

Clauses.

1. Short Title.
 2. Division of Act into Parts.
 3. Application of Act.
 4. Interpretation.
 5. Recovery and Application of Penalties.
 6. Form and Delivery of Notices, Consents, &c.
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PART II.

METROPOLITAN RAILWAYS.

Construction of Acts.

7. Deposit of Plans, &c. with Vestry Clerk, &c..
8. In Westminster, High Bailiff substituted for Sheriff.
9. Limits of Metropolitan Railway District.

Lands.

10. Taking of Dwelling Houses and Shops.
11. Provision as to concurrent Powers of Purchase.

Compensation.

12. Disputed Compensation as to Lands in City of London.
13. Compensation to Tenants from Year to Year, &c. in Metropolitan District.
14. Compensation for Injury to Trade, &c. in Metropolitan District.

Works affecting Sewers, &c.

15. Power to deviate from Levels for avoiding Sewers, &c.
16. Protection of Sewers, &c. of Metropolitan and other Boards.

Bridges.

17. Bridges over Streets in Metropolitan District.
[Bill 114.]

a

Cuttings,

*Railways Clauses.**Cuttings, &c.*

Clauses.

18. Cuttings, &c. affecting Streets in Metropolitan District.

Works before-mentioned in General.

19. Regulations where Notice given to Metropolitan Board of Works, &c.

Works affecting Streets.

20. Protection of Streets in Metropolis.
 21. Restrictions on Impediments to Traffic.
 22. Consent for temporary Stoppage.
 23. Deposit of Materials on Streets, &c.
 24. Payment for Stones and Materials.

Lighting of Arches.

25. Power for Metropolitan Board, &c. to light Arches over Streets.

Inclosures.

26. Hoardings or Walls to be provided by Company.
 27. Inclosure of Arches.

Works affecting Water and Gas.

28. Superintendence of Water and Gas Companies.
 29. Interruption of Supply of Water or Gas.
 30. Power to Water and Gas Companies to enter and repair Pipes, &c.
 31. Provision for larger Mains.
 32. Repairs of Pipes to be borne by Company in certain Cases.

Works affecting Telegraphs, &c.

33. Protection of Telegraphic Apparatus, &c.

Openings for Light and Air.

34. Power to Company to make Opening in Carriageway.

New Streets.

35. Works connected with new Streets.
 36. Power to deviate from Levels, &c. of new Streets.
 37. New Streets to be under Care of Local Authorities.
 38. Elevations of Houses to be approved by Metropolitan Board of Works.

Expenses of Superintendence, &c.

39. Company to pay Expenses of Metropolitan Board, &c.

Arbitration

Arbitration.

Clauses.

40. Differences between Company and Metropolitan Board, &c.

Superfluous Lands.

41. Building Leases, &c. of superfluous Lands.
42. Apportionment of Rent, &c. on Severance of Reversion.

Local Rates.

43. Local Rates to be made good.

Trains for Artisans, &c.

44. Company to run Morning and Evening cheap Trains.
45. Regulations as to Tickets.
46. Compensation for Injury to such Passengers.

Savings.

47. Saving for Rights of Corporation of London.
48. Saving for Rights of Crown Estate Paving Commissioners.
49. Saving for Battersea Park Commissioners.
50. Saving for Operation of General Acts.

PART III.

RAILWAYS IN GENERAL.

Completion of Railway.

51. Penalty for Non-completion of Railway.

Rules respecting Tolls, &c.

52. Short Distance Charge.
53. Fraction of Mile ; Passengers.
54. Fraction of Mile ; Animals and Goods.
55. Fraction of Ton.
56. Passengers' Luggage.
57. Special Trains.
58. Determination of Weight.
59. Terminal Charges.
60. Small Packages.
61. Agreement for higher Charges as to Goods.
62. Company not bound to carry Manure, &c.

Directors.

63. Continuance in Office of First Body of Directors.

Application

Application of Money.

Clauses.

- 64. Interest not to be paid on Calls paid up.
- 65. Deposits for Bills not to be paid out of Company's Capital.

Savings and Restrictions.

- 66. Saving for Rights of Crown.
- 67. Saving for Lands held by Board of Trade.
- 68. Saving for Lands, &c. of Commissioners of Works, &c.
- 69. Consent of Conservators for Works affecting Thames.
- 70. Works to be according to approved Plan.
- 71. Material from River.
- 72. Erection of public Stairs.
- 73. Saving for Rights of Conservators of Thames.
- 74. Saving for Rights of Metropolitan Board of Works, &c.
- 75. Saving for Operation of General Acts.

SCHEDULE.



A

B I L L

FOR

Consolidating in One Act Provisions frequently
inserted in Acts relating to Metropolitan and
other Railways.

WHEREAS The Railways Clauses Consolidation Act, 1845, Preamble.
and The Railways Clauses Consolidation (Scotland) Act,
1845, were passed in order to comprise in General Acts
Provisions relating to Railways in England or Ireland, or in Scot-
5 land, usually introduced into Acts authorizing the Construction
of Railways :

And whereas Provisions not comprised in those General Acts
are now frequently introduced into Acts relating to Metropolitan
and other Railways, and it is expedient to comprise those Provisions
10 also in One General Act, and that as well for the Purpose of avoiding
the Necessity of repeating such Provisions in Special Acts as for
ensuring greater Uniformity in the Provisions themselves :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual
15 and Temporal, and Commons, in this present Parliament assem-
bled, and by the Authority of the same, as follows :

[Bill 114.]

A

PART

PART I.

PRELIMINARY.

- Short Title. 1. This Act may be cited as The Railways Clauses Act, 1865.
- Division of Act into Parts. 2. This Act shall be deemed to be divided into Three Parts, as follows : 5
 Part I.—Preliminary :
 Part II.—relating to Metropolitan Railways :
 Part III.—relating to Railways in General.
- Application of Act. 3. This Act and its several Parts shall apply to the Railway to which a Special Act incorporating this Act or its several Parts 10 relates ; and in this Act the Terms “ the Railway,” “ the Special Act,” and “ the Company,” mean respectively such Railway and such Special Act as aforesaid and the Railway Company incorporated or empowered by the Special Act, and the Term “ prescribed ” means prescribed by the Special Act. 15
- Interpre- tation. 4. In this Act—
 The Terms “ Vestry ” and “ District Board ” mean respectively a Vestry and a District Board constituted under or regulated by The Metropolis Management Act, 1855, and the Acts amending the same, and their Successors, for the Time being : 20
 The Terms “ Commissioners ” and “ Trustees ” mean respectively the Commissioners or Trustees referred to, and their Successors, for the Time being :
 The Term “ the City of London ” includes the Liberties thereof :
 The Term “ Street ” means a Highway whether a Thoroughfare 25 or not, and includes a Road (whether a Turnpike Road or not), Lane, Square, Court, Alley, Passage, and Mews, and includes any Ground by the Side of and forming Part of a Street, and the Surface, Pavement, Soil, and Subsoil of a Street, and the Footway of a Street, and any Bridge forming Part of a Street, 30 and includes Drains and Gullies for keeping the Street dry, and being under the Control of the Street Authority :
 The Term “ Street Authority ” means the Vestry, District Board, Commissioners, Trustees, or other Body having the Control of the Street referred to : 35
 The Term “ Sewer ” includes Drain, Pipe, Sink, Sluice, Penstock, Conduit, and Watercourse :
 The Term “ Work ” used with Reference to a Work of the Metro- politan Board of Works, or of a Vestry or District Board, or of Commissioners of Sewers; includes Sewer, Wear, Dam, Bank, 40 and Defence, and means such a Work made or executed by them

them or being within or under their Jurisdiction, Survey, Order, or Control, or executed for the Sewerage or Drainage of the District under their Control:

The Terms “deposited Plans” and “deposited Sections” mean respectively the Plans and the Sections deposited according to the Standing Orders of the Houses of Parliament for the Purposes of the Application for the Special Act:

The Term “Lands” includes Messuages, Lands, Tenements, and Hereditaments of any Tenure.

In the Special Act the Terms aforesaid shall have the same Meanings as in this Act.

In this Act and in the Special Act and any Act therewith incorporated—

The Term “Court of competent Jurisdiction” shall have effect as if the Debt or Demand with respect to which the same is used were an ordinary Simple Contract Debt, and not a Debt or Demand created by Statute:

The Term “Two Justices” shall be taken to include any Police Magistrate or Justice of the Peace having by Law Authority to act alone for any Purpose with the Power of Two Justices.

5. Penalties under this Act shall be recovered and applied as Penalties under The Railways Clauses Consolidation Act, 1845, and The Railways Clauses Consolidation (Scotland) Act, 1845, (as the Case may require) are recoverable and applicable.

Recovery and Application of Penalties.

6. With respect to Notices, Counter-notices, Approvals, Consents, and Directions, and to the Delivery thereof and of other Documents by or to the Company under this Act, the following Provisions shall have effect:—

Form and Delivery of Notices, Consents, &c.

(1.) Every Notice, Counter-notice, Approval, Consent, or Direction shall be in Writing or Print, or partly in Writing and partly in Print; and when given by the Metropolitan Board of Works shall be sufficiently authenticated by being signed by the Engineer or by the Clerk of the Board, and when given by the Trustees of any Turnpike Road shall be sufficiently authenticated by being signed by any Three of them:

(2.) Any Notice to be delivered by the Company to the Metropolitan Board of Works or to any Vestry, District Board, Commissioners, Trustees, or other Body, may be delivered by being left at the Office of such Board, Vestry, District Board, Commissioners, Trustees, or other Body, or by being sent by Post in a registered Letter addressed to their Clerk at their Office; and every such Letter shall be deemed to be delivered to the Board, Vestry, District Board, Commissioners, Trustees, or other Body on the Day on

which the same ought to be delivered to their Clerk at their Office in the ordinary Course of Post :

- (3.) Any Notice, Counter-notice, Approval, Consent, or Direction to be given or delivered to the Company by the Metropolitan Board of Works, or by any Vestry, District Board, Commissioners, Trustees, or other Body or Authority, or by any Company, may be given or delivered in manner provided by Section One hundred and thirty-five of The Companies Clauses Consolidation Act, 1845, or by Section One hundred and thirty-seven of The Companies Clauses Consolidation (Scotland) Act, 1845, (as the Case may require). 5 10

PART II.

METROPOLITAN RAILWAYS.

Construction of Acts.

Deposit of
Plans, &c.
with Vestry
Clerk, &c.

7. In the Construction, in connexion with the Special Act, of The Railways Clauses Consolidation Act, 1845, the Terms "Parish Clerks of the several Parishes," "Parish Clerks," and "Clerks of the several Parishes," used in the last-mentioned Act, shall, as regards those Parishes or Extra-parochial Places in which by the Standing Orders of the Houses of Parliament for the Time being in force Plans, Sections, and other Documents are required to be deposited with the Clerk of the Vestry of the Parish, or with the Clerk of the District Board of Works for the District in which the Parish or Extra-parochial Place is included, mean, in the First Case, the Vestry Clerks of those Parishes, and, in the Second Case, the Clerks of those District Boards. 15 20 25

In West-
minster,
High Bailiff
substituted
for Sheriff.

8. With respect to any Railway or Work authorized by the Special Act within the City and Liberty of Westminster, the Term "Sheriff" used in the Special Act or in any Act incorporated therewith shall, for the Purposes of the Special Act, mean the High Bailiff of Westminster in all Cases where the High Bailiff discharges the Duties and Offices usually discharged by the Sheriff. 30

Limits of
Metropolitan
Railway
District.

9. For the Purposes of this Part of this Act and of any Special Act incorporating the same, the Metropolitan Railway District shall be the District described in the Schedule to this Act. 35

Lands.

Taking of
Dwelling
Houses and
Shops.

10. The Company shall not, under the Powers of the Special Act, enter on or take any Tenement within the Metropolitan Railway District, being a Dwelling House or a Shop for Retail Trade, until the Expiration of *Six Months* after they have served Notice of their Intention 40

Intention to take the same on the Person rated for the Relief of the Poor in respect of the Tenement; and Delivery of such Notice at the Tenement to any Adult Inmate thereof shall be deemed sufficient Service of the Notice.

5 11. Where Two or more Railway Companies have concurrent Powers for the Purchase of Lands within the Metropolitan Railway District, no One of the Companies shall purchase any Part of those Lands until the Expiration of *Seven Days* after Notice of the Intention to do so has been delivered to the other or others of the

10 Companies; and if within those *Seven Days* any of the Companies to whom Notice is delivered by a Counter-notice delivered to the Company giving the Notice objects to the Purchase by the Company giving the Notice, then neither the Company giving the Notice nor the Company objecting shall purchase any Part of the Lands

15 referred to in the Notice until an Arbitrator appointed by the Board of Trade on the Application of either Party decides whether any, and if any, what Portion of such Lands may be purchased by each or either of them. The Arbitrator shall decide with a view to enabling both Companies to execute their Undertakings as authorized.

Provision as to concurrent Powers of Purchase.

Compensation.

12. Where under the Special Act any Question of disputed Compensation relating to Lands in the City of London is to be determined by the Verdict of a Jury, the Jury shall be required to appear before the Court of the Mayor and Aldermen of the said City to be holden in the Outer Chamber of the Guildhall of the said City, according to the Custom of the said City, at a Time to be appointed by the said Court; and all the Provisions of The Lands Clauses Consolidation Act, 1845, with respect to the Settlement of Questions of disputed Compensation by Juries appearing before the Sheriff, Coroner, or other Person, shall extend and be applied with respect to the Settlement of any such Question of disputed Compensation under the Special Act by a Jury appearing before the said Court; and the said Court shall give Judgment for the Purchase Money or Compensation assessed by the Jury; and a Verdict and Judgment shall be signed by the Registrar of the said Court, and shall be entered among the Records of the said Court; and the said Registrar shall settle the Costs of the Inquiry.

13. Except as otherwise provided in this Act, every Claim for Compensation made on the Company under Section Sixty-eight of The Lands Clauses Consolidation Act, 1845, and Section Six of The Railways Clauses Consolidation Act, 1845, or either of them, or under

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Compensation to Tenants from Year to Year, &c. in Metropolitan District.

any Special Act incorporating those Sections or either of them, in respect of Lands within the Metropolitan Railway District, shall, if the Claimant has no greater Interest in the Lands than as Tenant for a Year, or from Year to Year, be determined in manner provided by Section One hundred and twenty-one of The Lands Clauses Consolidation Act, 1845.

Compensation for Injury to Trade, &c. in Metropolitan District.

14. The Company shall make to the Owners, Lessees, and Occupiers of Houses and Property within the Metropolitan Railway District, not purchased or taken by the Company, full Compensation for any Damage, Injury, or Loss in any Manner directly or indirectly from Time to Time during the Construction or Execution of the Railway and Works, or subsequently thereto, occasioned to them, or to such Houses or Property, by or in consequence of the Construction or Execution or the Use of the Railway or Works, whether arising from falling off of Trade or Business, produced by Stoppage of or Inconvenience to Traffic in any Street, or from Vibration produced by Traffic on the Railway, or from any other Cause whatever connected in any Way with the Railway or Works, and whether such Damage, Injury, or Loss would but for this Enactment have been the Subject of Compensation under any other Act or not; and the Amount of such Compensation shall be settled from Time to Time by Arbitration under Sections Twenty-five to Thirty-seven (both inclusive) of The Lands Clauses Consolidation Act, 1845, subject to the following Provisions:—

- (1.) The Person prescribed, and, if none is prescribed, then the President for the Time being of the Royal Institute of British Architects, and on Default by him the Board of Trade, shall have the Appointment of an Umpire; and such Person or President or the Board of Trade (as the Case may be) shall, on the Application of any such Owner, Lessee, or Occupier, or of the Company, appoint an Umpire at any Time after the Expiration of *One Year* from the opening of the Railway for public Traffic, unless required to do so before that Time by the Owner, Lessee, or Occupier:
- (2.) The Company, or the Owner, Lessee, or Occupier, may at any Time require the Question of the total Damage, Injury, or Loss occasioned or reasonably likely to be from Time to Time occasioned to the House or Property which is the Subject of the Reference, or to the Owner, Lessee, and Occupier thereof for the Time being, to be definitively referred to Arbitration in manner aforesaid; and on any such definitive Reference the Award shall be absolutely final and conclusive, and no further Reference as to any Damage, Injury, or Loss occasioned or to be occasioned to that

that House or Property, or to any Owner, Lessee, or Occupier thereof, shall at any Time thereafter be made; and no Action at Law or Suit in Equity (except for the Purpose of enforcing the Award) by any such Owner, Lessee, or Occupier, shall at any Time thereafter lie against the Company.

Works affecting Sewers, &c.

15. In the Construction of the Railway within the Metropolitan Railway District, the Company may deviate from the Levels and Gradients indicated on the deposited Sections to such an Extent as may be found necessary or convenient for avoiding or accommodating Sewers or improving the Sewerage or Drainage or Works in or under any Street through which the Railway passes, and may alter the Inclination of the Railway accordingly, notwithstanding anything in The Railways Clauses Consolidation Act, 1845, subject to these Restrictions, namely,—first, that no such Deviation be made without the Consent of the Metropolitan Board of Works; and, secondly, that the Level or Inclination of the Surface of any Street be not thereby affected.

Power to deviate from Levels for avoiding Sewers &c.

16. Where any Work authorized by the Special Act will or may pass or be over, under, or by the Side of, or prejudicially affect, any Work of the Metropolitan Board of Works, or of any Vestry or District Board, or of the Commissioners of Sewers of the City of London, then and in every such Case the following Provisions shall have effect:—

Protection of Sewers, &c. of Metropolitan and other Boards.

(1.) The Company shall not commence that Work until the Expiration of *Fourteen Days* after they have delivered to the Metropolitan Board, Vestry, District Board, or Commissioners concerned Notice of their Intention to do so:

(2.) The Company shall, at their own Expense and Risk, provide such new, altered, diverted, re-constructed, or substituted Works, as the Board, Vestry, District Board, or Commissioners concerned reasonably require for Protection of their own Work, and under the Superintendence and to the reasonable Satisfaction of the Engineer of the Board, Vestry, District Board, or Commissioners:

(3.) When any such new, altered, diverted, re-constructed, or substituted Work, or any Work connected therewith, is completed, the same shall thenceforth be deemed to be a Work of the Board, Vestry, District Board, or Commissioners concerned, within the Meaning of this Act, and for all Purposes.

Bridges.

Bridges over
Streets in
Metropoli-
tan District.

17. Where the Railway is carried over any Street within the Metropolitan Railway District, the following Provisions shall have Effect :—

- (1.) The Railway shall there be made and always maintained in 5
such Manner as not to lessen the clear Width of the Street
as existing at the Time of the making of the Railway :
- (2.) The Arch or Opening of any Bridge there shall be of a Span
not less than the prescribed Span, with a Headway of a
Height not less than the prescribed Height, and if no Span 10
is prescribed, then the Arch or Opening of the Bridge shall
not, except with the Consent of the Metropolitan Board of
Works, be of a less Span than *Forty* Feet, and if the Height
of the Headway is not prescribed then the Height thereof
shall not, except with the like Consent, be less than *Eighteen* 15
Feet in the Centre :
- (3.) Every such Bridge shall be made ornamental, to the reason-
able Satisfaction of the Metropolitan Board of Works,
regard being had to the Character, Situation, and Neigh-
bourhood of the Bridge : 20
- (4.) Any Abutment or Pier of any such Bridge shall not project
beyond the general Line of Frontage of the adjoining
Houses, save that where there are Gardens or Forecourts
in Front of Houses, and the Distance between the
Houses is great, the Company, with the Approval of the 25
Metropolitan Board of Works, may erect and maintain
Side Openings supported with Columns back to the general
Line of Frontage of the Houses :
- (5.) Every such Bridge shall be made and kept watertight, that is
to say, shall be so constructed and maintained as to pre- 30
vent Rain or other Water dripping or otherwise passing
through it :
- (6.) Every such Bridge shall be so constructed and maintained as
to deaden as far as practicable the Sound of Traffic passing
over it : 35
- (7.) The Company shall not commence the Erection of any such
Bridge until the Expiration of *Twenty-one* Days after they
have delivered to the Metropolitan Board of Works Notice
of their Intention to do so. 40

Cuttings, &c.

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Cuttings
&c. affecting
Streets in
Metropolitan
District.

18. Where the Railway is carried by means of a Cutting or other-
wise under any Street within the Metropolitan Railway District, the
following Provisions shall have effect :—

- (1.) If the Railway interferes with or alters the Level or Inclina-
tion of the Street it shall there be made and maintained in 45
such

such Manner that the Inclination of the Street be not more than the prescribed Rate, and if none is prescribed then not more than One Foot in *Forty Feet* :

- 5 (2.) Every Bridge constructed by the Company for carrying the Street over the Railway shall be so constructed as not to lessen the Width of the Street, as existing at the Time of the Construction of the Bridge :
- (3.) Every such Bridge shall be always so covered as to prevent as far as practicable the Escape of Steam, Smoke, or other
10 offensive Effluvia into the Street :
- (4.) Every such Bridge shall be so constructed and maintained as to deaden as far as practicable the Sound of Traffic passing under it :
- 15 (5.) The Company shall not commence the Construction of any such Bridge until the Expiration of *Twenty-one* Days after they have delivered to the Metropolitan Board of Works Notice of their Intention to do so.

Works before-mentioned in General.

- 20 19. Where under the foregoing Provisions the Company deliver to the Metropolitan Board of Works or any Vestry, District Board, or Commissioners, a Notice of their Intention to commence any Work, the following Provisions shall have effect :

Regulations where Notice given to Metropolitan Board of Works, &c.

 - (1.) The Company shall deliver with the Notice, a Plan and
25 Section of the Work, and in case of a Bridge, an Elevation of the Bridge :
 - (2.) The Company shall not commence the Work until the Board, Vestry, District Board, or Commissioners concerned give their Approval thereof, unless they fail to give their Approval or Disapproval thereof, or to give
30 any Direction respecting the same, within *Fourteen* Days after the Delivery of such Notice, with such Plan and Section, and with such Elevation in case of a Bridge :
 - (3.) In the Execution of the Work the Company shall comply with the reasonable Directions of the Board, Vestry, District Board, or Commissioners concerned :
 - 35 (4.) The Work shall be executed under the Superintendence of the Engineer or Surveyor of the Board, Vestry, District Board, or Commissioners concerned.

Works affecting Streets.

- 40 20. Notwithstanding anything in The Railways Clauses Consolidation Act, 1845, the following Provisions shall have effect in relation to Streets within the Metropolitan Railway District :—

Protection of Streets in Metropolitan.

 - (1.) The Company shall not break up any Part of a Street until after the Expiration of *Seven Days* from the Delivery by

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them

them to the Street Authority of a Notice specifying the Portion of the Street (not exceeding *Five hundred Yards* run) intended to be broken up, and the Time at which the Work will be commenced,—except in case of Emergency, in which Case the Company shall deliver to the 5 Street Authority a Notice specifying the Portion of the Street interfered with as soon as possible after they commence to break up the same :

- (2.) The Company shall not break up more than *Five hundred Yards* in Length of a Street at One Time : 10
- (3.) The Company shall not break up a Street except under the Superintendence of the Surveyor of the Street Authority, unless he refuses or fails to give such Superintendence, and in the Execution of the Work the Company shall comply with the reasonable Directions of such Surveyor : 15
- (4.) The Company shall make, and during the Execution of the Works affecting the Street maintain, to the reasonable Satisfaction of such Surveyor, all temporary Footways, Works, and Conveniences necessary or proper for safe and commodious Ingress and Egress to and from Houses in and 20 near the Line of their Works, and for Preservation of an uninterrupted Supply of Water and Gas to the Street and to those Houses :
- (5.) The Company shall deposit the Subsoil or Rubbish excavated, and the Materials of the Street broken up, at such 25 Place and in such Manner as such Surveyor approves :
- (6.) The Company shall, at their own Expense, while the Street is broken up, cause it to be properly fenced and guarded, and proper Light and Watch for the Warning of Passengers to be set up and kept there by Night to the reasonable 30 Satisfaction of such Surveyor ; and the Company shall as between themselves and the Street Authority, be answerable for all Accidents and Damage happening by reason or in consequence of the Works of the Company :
- (7.) Such Surveyor shall at all Times during the Execution or 35 Repair of the Company's Works affecting the Street have free Access to those Works :
- (8.) The Company shall, to the reasonable Satisfaction of such Surveyor, provide new, altered, diverted, or substituted Drains and Gullies in the Street necessary or proper in 40 consequence of the Company's Works :
- (9.) The Company shall within the prescribed Time, and if none is prescribed then within *Four Months* after breaking up any Part of the Street, complete their Works affecting that Part thereof, and fill in the Ground, and except where 45 the

the Surface is by the Special Act authorized to be permanently interfered with, make good and restore the same to the reasonable Satisfaction of such Surveyor, and remove all Rubbish occasioned by their Works :

5 (10.) Nevertheless, it shall be in the Option of the Street Authority to fill in the Ground and make good and restore the Surface and remove the Rubbish, instead of permitting the same to be done by the Company ; and the
10 Expenses of their so doing shall be paid to them by the Company on Demand, or on default may be recovered by them from the Company by Proceedings in any Court of competent Jurisdiction :

(11.) The Company shall defray the Expense incurred by the Street Authority in maintaining and keeping in repair the
15 Street for *Twelve Months* next after the same has been made good and restored as aforesaid, and in Default of Payment thereof the Street Authority may recover the same from the Company by Proceedings in any Court of competent Jurisdiction :

20 (12.) If the Company fail to comply in any respect with the Provisions of the present Section, they shall forfeit and pay to the Street Authority a Sum not exceeding *Twenty Pounds* for every such Default, and a further Sum not exceeding *Five Pounds* for every *Twenty-four Hours* during
25 which any such Default continues after Notice thereof delivered to them by the Street Authority ; and every such Sum may be recovered by Proceedings in any Court of competent Jurisdiction :

(13.) If after breaking up the Street the Company fail to execute
30 any Work required by the present Section, the Street Authority may do so, and the Expense of doing so shall be repaid to them by the Company on Demand, or on Default may be recovered from the Company by Proceedings in any Court of competent Jurisdiction.

35 21. The Company shall not impede Traffic in any Street within the Metropolitan Railway District or into or out of any such Street further than is necessary for the proper Execution of their Works. They shall not close against Traffic more than *One Third* in Width of any such Street at One Time ; and in case *Two Thirds* of such
40 Street are not wide enough to allow Two Carriages to pass each other, they shall not occupy with their Works at One Time more than *Fifty Yards* in Length of the One Third thereof, except with the previous Consent in each instance of the Street Authority.

Restrictions
on Impedi-
ments to
Traffic.

Consent for
temporary
Stoppage.

22. The Company shall not in the Execution of their Works stop up temporarily any Street within the Metropolitan Railway District which they are not by the Special Act authorized to stop up permanently without the previous Consent in each instance of the Street Authority.

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Deposit of
Materials on
Streets, &c.

23. The Company shall not permit any Materials, Rubbish, or other Thing to be laid, shot, or placed by any of their Contractors, Agents, Servants, or Workmen on any Street within the Metropolitan Railway District, except so far as may be necessary for any of the Company's Works, and so as not to obstruct the passing of Carriages, or to interfere with the Footway on one Side of the Street while the Footway on the other Side thereof is so obstructed by the Company, except with the previous Consent in each Instance of the Street Authority; and if the Company fail to comply in any respect with the Provisions of the present Section they shall forfeit and pay to the Street Authority, a Sum not exceeding *Five Pounds* for every such Default, and a further Sum not exceeding *One Pound* for every *Twenty-four Hours* during which any such Default continues after Notice thereof delivered to them by the Street Authority, every such Sum to be recovered by Proceedings in any Court of competent Jurisdiction.

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Payment for
Stones and
Materials.

24. Where any Street within the Metropolitan Railway District is about to be permanently stopped up by the Company, under the Authority of the Special Act, the Company shall pay to the Street Authority the Value of such Paving Stones and other Materials and Things in the Street as are the Property of or vested in the Street Authority before the Company remove or interfere with the same, or the Value thereof may be recovered by the Street Authority from the Company by Proceedings in any Court of competent Jurisdiction.

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Lighting of Arches.

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Power for
Metropolitan
Board, &c.
to light
Arches over
Streets.

25. Where any Arch over a Street within the Metropolitan Railway District will, in the Opinion of the Metropolitan Board of Works, or, where the same is within the City of London, of the City Commissioners of Sewers, cause public Inconvenience by obstructing the Light in the Street, the Metropolitan Board of Works or the City Commissioners of Sewers, as the Case may require, may set up and fix thereon or therein or near thereto, and keep lighted with Gas by Day and by Night, a Lamp or Lamps for affording proper Light and Security to Passengers; and the Expenses thereof and necessarily consequent thereon shall be borne and paid by the Company, and may be recovered by Proceedings in any Court of competent Jurisdiction.

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Inclosures.

Inclosures.

26. Where by reason of any Work of the Company any Ground is thrown open to any Street within the Metropolitan Railway District, the Company shall, if required by Notice delivered to them
5 by the Vestry or District Board within whose District the Ground is situate, within *Fourteen* Days after Delivery of such Notice, inclose the Ground in a Line with the Houses in the Street with good close Hoarding or Brick Wall not less in Height than the prescribed Height, and if none is prescribed, then not less than *Seven* Feet in Height,
10 and shall for ever keep the same so inclosed; and if the Company fail to execute or maintain any Work which by the present Section they are required to execute and maintain, the Vestry or District Board concerned may do so, and may recover the Expense of doing so from the Company, by Proceedings in any Court of competent
15 Jurisdiction.

Hoardings or Walls to be provided by Company.

27. Where any Arch under a Railway within the Metropolitan Railway District, not being over the River Thames or over a public Thoroughfare, is yet open to the Public, the Company shall, if required by the Metropolitan Board of Works, or, where the Arch
20 is within the City of London, by the City Commissioners of Sewers, inclose or fence in the same so as to prevent it being or occasioning, by reason of its being open to the Public, any Nuisance or Detriment to the Inhabitants of the Neighbourhood, and shall for ever keep the same so enclosed or fenced in: and if the Company
25 fail to execute or maintain any Work which by the present Section they are required to execute and maintain, the Metropolitan Board of Works, or the City Commissioners of Sewers, as the Case may require, may do so, and may recover the Expense of doing so from the Company by Proceedings in any Court of competent Jurisdiction.

Inclosure of Arches.

30 *Works affecting Water and Gas.*

28. All Works and Things which under The Railways Clauses Consolidation Act, 1845, or the Special Act, the Company are empowered or required to execute or do with reference to the
Mains, Pipes, Syphons, Plugs, or other Works within the Metro-
35 politan Railway District of any Water or Gas Company, shall be executed or done by and at the Cost of the Railway Company, but to the reasonable Satisfaction of the Engineer of the Water or Gas Company.

Superintendence of Water and Gas Companies.

29. If any Interruption in the Supply of Water or Gas by any
40 Water or Gas Company is in any way occasioned within the Metropolitan Railway District by the Railway Company, their Contractors, Agents, Servants, or Workmen, or any Persons in

Interruption of Supply of Water or Gas.

the Employment of them or any of them, the Railway Company shall forfeit and pay to the Water or Gas Company a Sum not exceeding *Ten Pounds* for every Hour during which such Interruption continues, to be recovered by Proceedings in any Court of competent Jurisdiction.

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Power to
Water and
Gas Com-
pany to enter
and repair
Pipes, &c.

30. Any Water or Gas Company, their Officers, Servants, and Workmen may from Time to Time, as Occasion requires, enter on the Railway and Works and the Lands of the Railway Company within the Metropolitan Railway District at any Place where for the Time being there are Mains, Pipes, Syphons, Plugs, or other Works of the Water or Gas Company, in order to execute and do, and accordingly may execute and do, all such Works and Things in and on the Railway and Works and the Lands of the Railway Company as are necessary or proper for the repairing, maintaining, removing, or replacing of any such Mains, Pipes, Syphons, Plugs, or other Works in or under or over the Railway and Works and the Lands of the Railway Company, not interrupting the Traffic on the Railway, doing as little Damage as may be, and making reasonable Compensation to the Railway Company for all such Damage.

Provision
for larger
Mains.

31. Where the Construction of the Railway or the Execution of any Work connected therewith within the Metropolitan Railway District interferes with the Mains of any Water or Gas Company, the Railway Company shall at the Time of such Construction or Execution, on the Request of the Water or Gas Company, make Provision, as far as practicable, for allowing those Mains to be from Time to Time afterwards replaced by others of a larger Size.

Repairs of
Pipes, &c. to
be borne by
Company in
certain
Cases.

32. The Expense of all Repairs and Renewals of any such Mains, Pipes, Syphons, Plugs, or other Works within the Metropolitan Railway District, at any Time made necessary by the Acts or Defaults of the Railway Company, their Contractors, Agents, Servants, or Workmen, or any Persons in the Employment of them or any of them, shall be borne and paid by the Railway Company, and may be recovered by Proceedings in any Court of competent Jurisdiction.

Works affecting Telegraphs, &c.

35

Protection of
Telegraphic
Apparatus,
&c.

33. The Company in executing Works within the Metropolitan Railway District shall interfere as little as may be with any Tube or Apparatus placed for the Purpose of Telegraphic Communication or belonging to the Pneumatic Despatch Company (Limited); and before executing any Work that might interrupt or obstruct the working of the same the Company shall, to the reasonable

reasonable Satisfaction of the Company or Person to whom such Tube or Apparatus for the Purpose of Telegraphic Communication belongs, or of the Pneumatic Despatch Company (Limited), as the Case may be, make Provision necessary or proper for
 5 preventing Interruption of or Obstruction to the Use or working of such Tube or Apparatus, and shall make reasonable Compensation for any Damage or Loss caused to such Tube or Apparatus or to the Company or Person to whom it belongs, such Compensation to be recovered by Proceedings in any Court of competent
 10 Jurisdiction.

Openings for Light and Air.

34. The Company, with the Approval of the Metropolitan Board of Works, may make Openings in the Carriageway of any Street within the Metropolitan Railway District, for the Purpose of affording
 15 ing Light and Air to the Railway and Works during the Progress thereof and after their Completion, subject to the following Restrictions:

Power to Company to make Opening in Carriageway.

- (1.) The Position of every such Opening shall be such as the Metropolitan Board of Works prescribe :
- 20 (2.) Every such Opening shall be inclosed by an Erection of an ornamental Character, according to a Design approved by the Metropolitan Board of Works :
- (3.) No such Erection shall occupy more than a Four-sided Space
Five Feet long on each Side :
- 25 (4.) No such Opening shall be used for the carrying of Earth, Spoil, or other Things from the Railway or Works, or for the raising or lowering of Workpeople, or of Tools, Tackle, Scaffolding, or other Things, or for any Purpose other than that of affording Light and Air as aforesaid.

30 *New Streets.*

35. Where the Company are authorized to make within the Metropolitan Railway District any new Streets, then, subject to the Provisions of the Special Act and this Act and in accordance with the deposited Plans, or within the Limits thereon defined, the Company may in connexion with the new Streets, and as Part of the
 35 Works by the Special Act authorized, and for the Purposes thereof, make Junctions and Communications with any existing Streets interfered with by or contiguous to any of the new Streets, and make Diversions, Widenings, or Alterations of Lines or
 40 Levels of any existing Streets, for the Purpose of connecting the same with any of the new Streets, and remove, destroy, alter, divert, stop up, inclose, use, or appropriate all or any Part of any Street,

Works connected with new Streets.

or of any Sewer, or void Ground within the Limits of lateral Deviation defined on the deposited Plans, providing a proper Substitute before interrupting the Flow of Sewage in any Sewer.

Power to deviate from Levels, &c. of new Streets.

36. In making the new Streets the Company may, subject to the Provisions of the Special Act and this Act, deviate to any Extent 5 not exceeding *Five Feet* from the Levels defined on the deposited Sections, and may, subject as aforesaid, deviate from the Lines of any of the new Streets within the Limits of Deviation defined on the deposited Plans; but the Company shall not deviate beyond the last-mentioned Limits without the Consent of the Person through 10 whose Lands any such Deviation is made.

New Streets to be under Care of Local Authorities.

37. When the Roadways and Footways of the new Streets are completed and paved (of which a Certificate under the Hands of Two Justices shall be for all Purposes conclusive Evidence) they may be used by the Public; and thenceforth the 15 Roadways and Footways of the new Streets, with the sole Power, Authority, and Duty of paving, repairing, cleansing, and lighting the same, and for those Purposes of rating Hereditaments within the same, shall be under the like Care, Management, Control, and Jurisdiction as other public Streets within the several Parishes or 20 Places in which the new Streets are made.

Elevations of Houses to be approved by Metropolitan Board of Works.

38. The Houses, Erections, and Buildings fronting to any of the new Streets shall be constructed on such Elevations as the Metropolitan Board of Works, before the Erection thereof, approve; and any House, Erection, or Building fronting to any of the new Streets, 25 acquired by the Company but not removed or rebuilt by them, shall be so altered by the Company as the Metropolitan Board of Works require or approve for the Purpose of making the Elevations of all Houses, Erections, or Buildings fronting to the several new Streets uniform or as nearly so as may be. 30

Expenses of Superintendence, &c.

Company to pay Expenses of Metropolitan Board, &c.

39. All reasonable Expenses to which the Metropolitan Board of Works, or any Vestry, District Board, Commissioners, Trustees, or other Body are put, by reason of any Interference or Control exercised by them by virtue of the Special Act or this Act in 35 relation to any of the Company's Works (in respect of Examination or Preparation of Plans, Sections, or Elevations, or in respect of Superintendence or on any other account) shall be borne by the Company and shall be paid to them by the Board, Vestry, District Board, Commissioners, Trustees, or other Body concerned, or may be reco- 40 vered by Proceedings in any Court of competent Jurisdiction.

Arbitration.

Arbitration.

40. If any Difference arises between the Company on the one Side, and the Metropolitan Board of Works, or any Vestry, District Board, Commissioners, Trustees, or other Body, or any Water or Gas Company, or any Company or Person to whom any Tube or Apparatus for the Purpose of Telegraphic Communication belongs, or the Pneumatic Despatch Company (Limited), or any other Company on the other Side, with respect to any Interference or Control exercised or claimed to be exercised by them or him or on their or his Behalf, by virtue of the Special Act or this Act in relation to any of the Company's Works, or with respect to any Plan, Section, or Elevation, or the Necessity or Propriety of or the Mode of Execution of any Work, or with respect to the Amount of the Compensation to be made by any Water or Gas Company to the Railway Company, or with respect to any other Subject comprised in this Act, the Matter in difference shall be settled by an Engineer or other fit Person nominated as Referee by the Board of Trade on the Application of either Party, and the Expenses of the Reference shall be borne and paid as the Referee directs.

Differences between Company and Metropolitan Board, &c.

Superfluous Lands.

41. Where the Company hold any superfluous Lands within the Metropolitan Railway District, they may at any Time and from Time to Time grant Leases or otherwise dispose thereof for Building or other Purposes, for such Terms of Years or other Interests, at or for such Rents or other Considerations, and subject to such Covenants, Conditions, and Stipulations, or on such other Terms as they deem expedient with reference to the Circumstances of each Case.

Building Leases, &c. of superfluous Lands.

42. Whenever by vesting in various Owners or otherwise, the Reversion on any such Lease is severed, any Rent reserved thereon may be apportioned by Agreement between the Owners; and if such Apportionment is not so settled by Agreement, the same shall be settled by an Arbitrator appointed by the Board of Trade; and after any such Apportionment, the Owner of each Part of the Reversion shall, in respect of the apportioned Rent allotted or belonging to him, have the Benefit of all Conditions or Powers of Re-entry for Non-payment of the original Rent, in like manner as if such Conditions or Powers had been reserved to him as incident to his Part of the Reversion, in respect of the apportioned Rent allotted or belonging to him.

Apportionment of Rent, &c. on Severance of Reversion.

Local Rates.

43. If and while the Company are possessed under the Special Act of any Lands within the Metropolitan Railway District assessed or [114.] C assessable

Local Rates to be made good.

assessable to any Sewers Rate, Consolidated Rate, Poor Rate, Police Rate, Main Drainage Rate, Church Rate, Tithe Rate, or other Parochial or Ward Rate, they shall from Time to Time, until the Railway is completed and assessable for such Rates, be liable to make good the Deficiency in the Assessment for such Rates by 5 reason of those Lands being taken or used for the Purposes of the Railway or Works; and the Deficiency shall be computed according to the Rental at which those Lands, with any Buildings thereon, were rated at the Time of the passing of the Special Act.

Trains for Artisans, &c.

10

Company
to run
Morning and
Evening
cheap Trains.

44. Where the Company has a Terminus or other Station within the Metropolitan Railway District, the Company shall run a Train every Morning (Sunday, Christmas Day, and Good Friday excepted) from and to the prescribed Stations, and if none are prescribed, then from and to the Stations from Time to Time appointed by the Board of Trade, calling at all intermediate Stations, and a Train every Evening (Sunday, Christmas Day, and Good Friday excepted) from and to the prescribed Stations, and if none are prescribed, then from and to the Stations from Time to Time appointed by the Board of Trade, calling at all intermediate Stations, at such Hours (not being in the Morning later than *Seven* o'Clock or in the Evening earlier than *Six* o'Clock) as may be most convenient to Artisans, Mechanics, and daily Labourers (Male and Female) residing near the Line of the Railway, and having Business daily within the Metropolitan Railway District, at Prices not exceeding *One Penny* 25 for each Passenger for each Journey (in addition to any Duty payable to Her Majesty), subject to the following Provisions:

- (1.) In case any Complaint is made to the Board of Trade of the Hours appointed by the Company for such Trains, the Board of Trade may, if they think it expedient, regulate 30 the same from Time to Time:
- (2.) If in any continuous Period of *Six Months* it is found that less than *One hundred* of such Passengers have been conveyed by each of such Trains, the Company, on Proof of that Fact to the Satisfaction of the Board of Trade, may 35 discontinue the running of such Trains, but the Board of Trade may at any Time order the Resumption thereof by the Company, if it seems to the Board of Trade desirable to do so.

Regulations
as to Tickets.

45. With respect to Tickets for such Trains, the following Pro- 40 visions shall have effect:

- (1.) The Company shall not be required to issue a Ticket to any Artisan, Mechanic, or daily Labourer for any such Train for a less Period than *One Week*:

(2.) On

- (2.) On the Application of any Person for such a Ticket he shall be bound to give his Name and Address, and the Name and Address of his Employer :
- 5 (3.) Before the Issue of a Tiket to him the Company shall have a reasonable Time allowed for ascertaining by Inquiry whether he is an Artisan, Mechanic, or daily Labourer within the Meaning of this Act :
- 10 (4.) If any Person holding such Ticket transfers or attempts to transfer the same to any other Person he shall be liable to a Penalty not exceeding *Five Shillings*, and his Ticket shall be forfeited :
- (5.) Any Person using or attempting to use any Ticket so transferred shall be liable to a Penalty not exceeding *Five Shillings* :
- 15 (6.) The Company shall not be afterwards required to issue any such Ticket either to the original Holder of any such Ticket who has transferred or attempted to transfer the same, or to any Person using or attempting to use any such Ticket so transferred.
- 20 **46.** The Liability of the Company under any Claim to Compensation for Injury or otherwise in respect of each Passenger travelling with such a Ticket shall be limited to a Sum not exceeding *One hundred Pounds*; and the Amount and Distribution of Compensation payable in respect of any such Passenger shall be determined
- 25 by an Arbitrator appointed by the Board of Trade, and not otherwise.

Compensation for] Injury to such Passengers.

Savings.

- 47.** Except as by the Special Act expressly provided, nothing therein or in any Act therewith incorporated shall derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Mayor and Commonalty and Citizens of the City of London.
- 30 **48.** The Company shall not take, use, or otherwise interfere with any Lands under the Charge and Management of the Commissioners for the Time being appointed by virtue of The Crown Estate Paving Act, 1851, without the previous Consent of those Commissioners, and, except as by the Special Act expressly provided, nothing therein or in any Act therewith incorporated shall divest or prejudice any of the Rights, Powers, or Privileges vested in or enjoyed by those Commissioners.
- 35 **49.** The Company shall not take, use, or interfere with any Lands belonging to the Battersea Park Commissioners without the
- [114.] D previous

Saving for Rights of Corporation of London.

Saving for Crown Estate Paving Commissioners.

Saving for Battersea Park Commissioners.

previous Consent of the First Commissioner for the Time being of Her Majesty's Works and Public Buildings, which Consent he is hereby authorized to give, on such Conditions as he thinks fit.

Saving for
Operation of
General
Acts.

50. Nothing in the Special Act or in any Act therewith incorporated shall exempt the Railway within the Metropolitan 5 Railway District, or the Company, from the Provisions of any General Act in force at the passing of the Special Act or thereafter passed in the same or any subsequent Session of Parliament relative to Railways within the Metropolitan Railway District, or to the Accommodation, Conveyance, Interchange, or Delivery of Traffic, 10 on, between, or from such Railways, or to the Regulation or the conferring of Powers on any public Body or Authority for the Regulation of Traffic in, at, or near the Termini or other Stations of such Railways.

PART III.

15

RAILWAYS IN GENERAL.

Completion of Railway.

Penalty for
Non-comple-
tion of
Railway.

51. Where by the Special Act an existing Railway Company possessed of a Railway open for public Traffic are authorized to construct a new Railway, or the Time for completing a previously 20 authorized Railway is extended, then if the Company fail within the prescribed Period to complete the new or the previously authorized Railway (as the Case may be) and to open it for public Traffic, they shall be liable to a Penalty not exceeding *Fifty Pounds* for every Day after the Expiration of the prescribed Period until the 25 Railway is completed and opened for public Traffic, such Sum to be recoverable as a Debt due to the Crown,—except only in respect of any Time during which it appears by a Certificate of the Board of Trade that the Company were prevented from completing or opening the Railway by unforeseen Accident or Circumstances 30 beyond their Control, but the Want of sufficient Funds shall not be deemed a Circumstance beyond their Control within the Meaning of the present Section.

Rules respecting Tolls, &c.

Short
Distance
Charge.

52. For Passengers, Animals, or Goods conveyed on the Railway 35 for a Distance less than that prescribed as the short Distance, and if none is prescribed, then for a Distance less than *Four Miles*, Charges shall be payable as for the short Distance prescribed, and if none is prescribed, then as for *Four Miles*.

53. It

53. In respect of Passengers conveyed on the Railway, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile. Fraction of Mile ; Passengers.

54. In respect of Animals and Goods conveyed on the Railway for a Fraction of a Mile beyond the short Distance prescribed, or if none is prescribed, then beyond *Four* Miles, or beyond any greater Number of Miles, Charges shall be payable in proportion to the Number of Quarters of a Mile contained in that Fraction, and a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile. Fraction of Mile ; Animals and Goods.

55. In respect of Goods conveyed on the Railway, for a Fraction of a Ton Charges shall be payable according to the Number of Quarters of a Ton in that Fraction, and a Fraction of a Quarter of a Ton shall be deemed a Quarter of a Ton. Fraction of Ton.

56. Every Passenger conveyed on the Railway may, without Charge, cause to be carried in the same Train with him his ordinary Luggage, not exceeding the prescribed Weight, and if none is prescribed, then not exceeding the Weight of *One hundred and twenty Pounds* for a First-class Passenger, *One hundred Pounds* for a Second-class Passenger, and *Sixty Pounds* for a Third-class Passenger. Passengers' Luggage.

57. Restrictions in the Special Act with respect to Charges for Passengers conveyed on the Railway shall not extend to Special Trains when required by Passengers, but shall apply only to the Ordinary or Express Passenger or Goods Trains appointed by the Company. Special Trains.

58. Except with respect to Stone and Timber, the Weight of Goods conveyed on the Railway shall be determined according to Avoirdupois Weight ; *Fourteen* Cubic Feet of Stone, and *Forty* Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and *Fifty* Cubic Feet of any other Timber, shall be deemed *One Ton*, and so in proportion for any smaller Quantity. Determination of Weight.

59. In addition to the Charges for Goods conveyed on the Railway specifically authorized by the Special Act, a reasonable Charge shall be payable for the loading, covering, and unloading of Goods at any Station on the Railway, being a Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Services incidental to the Duty or Business of a Carrier where such Services or any of them are or is performed by the Company : A Station shall not be considered a Terminal Station in Terminal Charges.

respect of any Goods unless they are received there direct from the Consignor or are ordered to be delivered there to the Consignée.

Small
Packages.

60. The Term Small Packages, where used in the Special Act or in this Act, shall not include Articles sent in large aggregate Quantities, although made up of separate Parcels, (such as Bags of 5 Sugar, Coffee, Meal, and the like,) but shall apply only to single Parcels in separate Packages.

Agreement
for higher
Charges as
to Goods.

61. Nothing in this Act or in the Special Act, or any Act therewith incorporated, shall prevent the Company taking any Charge over and above the Charges by the Special Act limited for the 10 Conveyance on the Railway of Goods of any Description, by Agreement with the Owners of or any Person in charge of such Goods, either by reason of the Conveyance thereof by Passenger Trains (except in case of Small Packages) or by reason of any other Special Service performed by the Company in relation thereto. 15

Company
not bound
to carry
Manure, &c.

62. The Company shall not be bound, except by Agreement, to carry on their Railway any Nightsoil, Dung, Manure, Compost, or other offensive Matter.

Directors.

Continuance
in Office of
First Body
of Directors.

63. Directors appointed by the Special Act incorporating the 20 Company shall continue in Office until the First Ordinary Meeting after the passing of the Special Act, and at that Meeting the Shareholders of the Company present, personally or by proxy, may, as they think fit, either elect a new Body of Directors (the Directors appointed by the Special Act being eligible as Members of such 25 new Body), or continue in Office the Directors appointed by the Special Act, or continue in Office some only of those Directors, and elect Directors to supply the Places of those not continued in Office.

Application of Money.

Interest not
to be paid on
Calls paid up.

64. It shall not be lawful for the Company, out of any Money by any Special Act relating to the Company authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in 35 the Capital of the Company; but this Provision shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is allowed by The Companies Clauses Consolidation Act, 1845, or The Companies Clauses Consolidation (Scotland) Act, 1845, 40 (as the Case may require).

65. It

65. It shall not be lawful for the Company, out of any Money by any Special Act authorized to be raised for the Purposes of any Special Act, to pay or deposit any Money by any Standing Order of either House of Parliament required to be paid or deposited in respect of any Application to Parliament for an Act to authorize the Company to construct any Railway or to execute any Work or Undertaking.

Deposits for Bills not to be paid out of Company's Capital.

Savings and Restrictions.

66. The Company shall not take, use, or interfere with any Lands or any Rights of whatsoever Nature, belonging to, or enjoyed or exerciseable by the Queen's most Excellent Majesty, Her Heirs or Successors, in right of the Crown, without the previous Consent of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, Her Heirs or Successors (which Consent those Commissioners respectively are hereby authorized to give); and as incidental to any such Consent the Company may enter into any Agreement with those Commissioners, or One of them, who respectively may, with the Approval of the Commissioners of Her Majesty's Treasury, join in every such Agreement; and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, with the like Approval, and the Company respectively, may execute all necessary or proper Conveyances, Leases, Licences, or other Deeds or Instruments of or relating to any Lands or Rights belonging to Her Majesty, Her Heirs or Successors, in right of the Crown; and every Agreement so entered into as aforesaid shall be performed by the same Commissioners and the Company respectively; and nothing in the Special Act, or in any Act therewith incorporated, shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority at the passing of the Special Act or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving for Rights of Crown.

67. The Company shall not take, use, or interfere with any Lands vested in or held by the Board of Trade, without the previous Consent of the Board of Trade, under the Hand of One of their Secretaries.

Saving for Lands held by Board of Trade.

68. The Company shall not take, use, or interfere with any Lands belonging to the Commissioners of Her Majesty's Works and Public Buildings without the previous Consent of the First Commissioner for the Time being of Her Majesty's Works and Public Buildings, which Consent he is hereby authorized to give, on such Conditions as he thinks fit.

Saving for Lands, &c. of Commissioners of Works, &c.

Consent of
Conservators
for Works
affecting
Thames.

69. The Company shall not make any Work on any Part of the Shore or Bed of the River Thames within the Jurisdiction of the Conservators of the River Thames without the previous Consent of the Conservators under the Hand of their Secretary.

Works to be
according to
approved
Plan.

70. The Company shall not embank, encroach on, or interfere with any Part of the Shore or Bed of the River Thames within the Jurisdiction of the Conservators of the River Thames, except according to Plans approved by the Conservators.

Material
from River.

71. The Company shall not take any Gravel, Soil, or other Material from the Bed of the River Thames within the Jurisdiction of the Conservators of the River Thames without the previous Consent of the Conservators under the Hand of their Secretary.

Erection of
public Stairs.

72. If the Company shut up, remove, or obstruct the Use of any Free Public Stairs or Landing Place within the Jurisdiction of the Conservators of the River Thames, they shall forthwith erect or provide in lieu thereof some equally convenient Free Public Stairs or Landing Place to the Satisfaction of the Conservators; and if the Company fail to execute any Work which by the present Section they are required to execute, the Conservators may do so, and may recover the Expense of doing so from the Company by Proceedings in any Court of competent Jurisdiction.

Saving for
Rights of
Conservators
of Thames.

73. Except as by the Special Act expressly provided, nothing therein or in any Act therewith incorporated shall derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Conservators of the River Thames, or prohibit, defeat, diminish, or alter any Power, Authority, or Jurisdiction which at the passing of the Special Act, or at any Time thereafter, they lawfully claim, use, or exercise.

Saving for
Rights of
Metropolitan
Board of
Works, &c.

74. Except as by the Special Act expressly provided, nothing therein or in any Act therewith incorporated, shall take away, lessen, or prejudicially affect any Right, Power, or Authority of the Metropolitan Board of Works, or of any Vestry or District Board, and except as aforesaid all such Rights, Powers, and Authorities shall be as valid and effectual to all Intents as if the Special Act had not been passed.

Saving for
Operation of
General
Acts.

75. Nothing in the Special Act or in any Act therewith incorporated shall exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies,

in force at the passing of the Special Act or thereafter passed in the same or any subsequent Session of Parliament, or from any subsequent Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken in respect of the Railway or of the Rates for small Packages.

SCHEDULE.

Limits of the Metropolitan Railway District.

The District comprised within an imaginary Line drawn as follows, namely,—commencing at the Barking Road Station of the North Woolwich Branch Railway; thence along that and the Great Eastern Railway to the Lea Bridge Station; thence straight to the Seven Sisters Station on the Great Northern Railway; thence straight to the Eastern End of the Hampstead Tunnel of the Hampstead and City Junction Railway; thence in a Southern and Eastern Direction along the West London and West London Extension Railway, across the River Thames, to the Junction with the London, Chatham, and Dover Railway; thence along the London, Chatham, and Dover Railway to the Brixton Road Station; thence straight to the Lewisham Junction Station of the Mid Kent Railway; and thence straight to the Barking Road Station of the North Woolwich Branch Railway.

Railways Clauses.

A

B I L L

For consolidating in One Act Provisions
frequently inserted in Acts relating
to Metropolitan and other Railways.

(*Prepared and brought in by*
Mr. Miner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, to be Printed,
25 April 1865.

[Bill 114.]

Under 4 oz.

Railways Clauses Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

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 32. Elevations of Houses to be approved by Metropolitan Board of Works.

Expenses of Superintendence, &c.

33. Company to pay Expenses of Metropolitan Board, &c.

Arbitration.

34. Differences between Company and Metropolitan Board, &c.

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- 35. Building Leases, &c. of superfluous Lands.
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- 37. Local Rates to be made good.

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- 38. Company to run Morning and Evening cheap Trains.
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 - 62. Saving for Rights of Duchy of Lancaster.
 - 63. Saving for Lands held by Board of Trade.
 - 64. Saving for Lands, &c. of Commissioners of Works, &c.
 - 65. Consent of Conservators for Works affecting Thames.
 - 66. Works to be according to approved Plan.
 - 67. Material from River.
 - 68. Erection of public Stairs.
 - 69. Saving for Rights of Conservators of Thames.
 - 70. Saving for Rights of Metropolitan Board of Works, &c.
 - 71. Saving for Operation of General Acts.
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B I L L

[AS AMENDED IN COMMITTEE]

FOR

Consolidating in One Act Provisions frequently
inserted in Acts relating to Metropolitan and
other Railways.

WHEREAS The Railways Clauses Consolidation Act, 1845, Preamble.
and The Railways Clauses Consolidation (Scotland) Act,
1845, were passed in order to comprise in General Acts
Provisions relating to Railways in England or Ireland, or in Scot-
5 land, usually introduced into Acts authorizing the Construction
of Railways :

And whereas Provisions not comprised in those General Acts
are now frequently introduced into Acts relating to Metropolitan
and other Railways, and it is expedient to comprise those Provisions
10 also in One General Act, and that as well for the Purpose of avoiding
the Necessity of repeating such Provisions in Special Acts as for
ensuring greater Uniformity in the Provisions themselves :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual
15 and Temporal, and Commons, in this present Parliament assem-
bled, and by the Authority of the same, as follows :

[Bill 170.]

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PART

PART I.

PRELIMINARY.

- Short Title. 1. This Act may be cited as The Railways Clauses Act, 1865.
- Division of Act into Parts. 2. This Act shall be deemed to be divided into Three Parts, as follows : 5
- Part I.—Preliminary :
- Part II.—relating to Metropolitan Railways :
- Part III.—relating to Railways in General.
- Application of Act. 3. This Act and its several Parts shall apply to the Railway to which a Special Act incorporating this Act or its several Parts relates ; and in this Act the Terms “ the Railway,” “ the Special Act,” and “ the Company,” mean respectively such Railway and such Special Act as aforesaid and the Railway Company incorporated or empowered by the Special Act, and the Term “ prescribed ” means prescribed by the Special Act. 15
- Interpretation. 4. In this Act—
- The Term “ the Metropolis ” has the same Meaning as in The Metropolis Management Act, 1855 :
- The Terms “ Vestry ” and “ District Board ” mean respectively a Vestry and a District Board constituted under or regulated by 20 The Metropolis Management Act, 1855, and the Acts amending the same, and their Successors, for the Time being :
- The Terms “ Commissioners ” and “ Trustees ” mean respectively the Commissioners or Trustees referred to, and their Successors, for the Time being : 25
- The Term “ the City of London ” includes the Liberties thereof :
- The Term “ Street ” means a Highway whether a Thoroughfare or not, and includes a Road (whether a Turnpike Road or not), Lane, Square, Court, Alley, Passage, and Mews, and includes any Ground by the Side of and forming Part of a Street, and 30 the Surface, Pavement, Soil, and Subsoil of a Street, and the Footway of a Street, and any Bridge forming Part of a Street, and includes Drains and Gullies for keeping the Street dry, and being under the Control of the Street Authority :
- The Term “ Street Authority ” means the Vestry, District Board, 35 Commissioners, Trustees, or other Body having the Control of the Street referred to :
- The Term “ Sewer ” includes Drain, Pipe, Sink, Sluice, Penstock, Conduit, and Watercourse :
- The Term “ Work ” used with Reference to a Work of the Metro- 40 politan Board of Works, or of a Vestry or District Board, or of Commis-

Commissioners of Sewers, includes Sewer, Wear, Dam, Bank, and Defence, and means such a Work made or executed by them or being within or under their Jurisdiction, Survey, Order, or Control, or executed for the Sewerage or Drainage of the District under their Control :

The Terms “deposited Plans” and “deposited Sections” mean respectively the Plans and the Sections deposited according to the Standing Orders of the Houses of Parliament for the Purposes of the Application for the Special Act :

The Term “Lands” includes Messuages, Lands, Tenements, and Hereditaments of any Tenure.

In the Special Act the Terms aforesaid shall have the same Meanings as in this Act.

In this Act and in the Special Act and any Act therewith incorporated—

The Term “Court of competent Jurisdiction” shall have effect as if the Debt or Demand with respect to which the same is used were an ordinary Simple Contract Debt, and not a Debt or Demand created by Statute :

The Term “Two Justices” shall be taken to include any Police Magistrate or Justice of the Peace having by Law Authority to act alone for any Purpose with the Power of Two Justices.

5. Penalties under this Act shall be recovered and applied as Penalties under The Railways Clauses Consolidation Act, 1845, and The Railways Clauses Consolidation (Scotland) Act, 1845, (as the Case may require) are recoverable and applicable.

Recovery and Application of Penalties.

6. With respect to Notices, Counter-notices, Approvals, Consents, and Directions, and to the Delivery thereof and of other Documents by or to the Company under this Act, the following Provisions shall have effect :—

Form and Delivery of Notices, Consents, &c.

(1.) Every Notice, Counter-notice, Approval, Consent, or Direction shall be in Writing or Print, or partly in Writing and partly in Print ; and when given by the Metropolitan Board of Works shall be sufficiently authenticated by being signed by the Engineer or by the Clerk of the Board, and when given by the Trustees of any Turnpike Road shall be sufficiently authenticated by being signed by any Three of them :

(2.) Any Notice to be delivered by the Company to the Metropolitan Board of Works or to any Vestry, District Board, Commissioners, Trustees, or other Body, may be delivered by being left at the Office of such Board, Vestry, District Board, Commissioners, Trustees, or other Body, or by being sent by Post in a registered Letter addressed to their Clerk at their Office ; and every such Letter shall be

deemed to be delivered to the Board, Vestry, District Board, Commissioners, Trustees, or other Body on the Day on which the same ought to be delivered to their Clerk at their Office in the ordinary Course of Post :

- (3.) Any Notice, Counter-notice, Approval, Consent, or Direction 5
to be given or delivered to the Company by the Metropolitan
Board of Works, or by any Vestry, District Board, Com-
missioners, Trustees, or other Body or Authority, or by any
Company, may be given or delivered in manner provided
by Section One hundred and thirty-five of The Companies 10
Clauses Consolidation Act, 1845, or by Section One hun-
dred and thirty-seven of The Companies Clauses Consoli-
dation (Scotland) Act, 1845, (as the Case may require).

PART II.

METROPOLITAN RAILWAYS.

15

Construction of Acts.

Deposit of
Plans, &c.
with Vestry
Clerk, &c.

7. In the Construction, in connexion with the Special Act,
of The Railways Clauses Consolidation Act, 1845, the Terms
“ Parish Clerks of the several Parishes,” “ Parish Clerks,” and
“ Clerks of the several Parishes,” used in the last-mentioned Act, 20
shall, as regards those Parishes or Extra-parochial Places in which
by the Standing Orders of the Houses of Parliament for the Time
being in force Plans, Sections, and other Documents are required
to be deposited with the Clerk of the Vestry of the Parish, or with
the Clerk of the District Board of Works for the District in which 25
the Parish or Extra-parochial Place is included, mean, in the First
Case, the Vestry Clerks of those Parishes, and, in the Second Case,
the Clerks of those District Boards.

In West-
minster,
High Bailiff
substituted
for Sheriff.

8. With respect to any Railway or Work authorized by the
Special Act within the City and Liberty of Westminster, the Term 30
“ Sheriff ” used in the Special Act or in any Act incorporated there-
with shall, for the Purposes of the Special Act, mean the High
Bailiff of Westminster in all Cases where the High Bailiff discharges
the Duties and Offices usually discharged by the Sheriff.

Compensation.

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Disputed
Compensa-
tion as to
Lands in
City of
London.

9. Where under the Special Act any Question of disputed
Compensation relating to Lands in the City of London is to be
determined by the Verdict of a Jury, the Jury shall be required
to appear before the Court of the Mayor and Aldermen of the
said City to be holden in the Outer Chamber of the Guildhall 40
of

of the said City, according to the Custom of the said City, at a Time to be appointed by the said Court; and all the Provisions of The Lands Clauses Consolidation Act, 1845, with respect to the Settlement of Questions of disputed Compensation by Juries
 5 appearing before the Sheriff, Coroner, or other Person, shall extend and be applied with respect to the Settlement of any such Question of disputed Compensation under the Special Act by a Jury appearing before the said Court; and the said Court shall give Judgment for the Purchase Money or Compensation assessed by
 10 the Jury; and a Verdict and Judgment shall be signed by the Registrar of the said Court, and shall be entered among the Records of the said Court; and the said Registrar shall settle the Costs of the Inquiry.

10. Every Claim for Compensation made on the Company under
 15 Section Sixty-eight of The Lands Clauses Consolidation Act, 1845, and Section Six of The Railways Clauses Consolidation Act, 1845, or either of them, or under any Special Act incorporating those Sections or either of them, in respect of Lands in the Metropolis, shall, if the Claimant has no greater Interest in the Lands than as Tenant
 20 for a Year, or from Year to Year, be determined in manner provided by Section One hundred and twenty-one of The Lands Clauses Consolidation Act, 1845.

Compensation to Tenants from Year to Year, &c. in Metropolitan District.

Works affecting Sewers, &c.

11. In the Construction of the Railway within the Metropolis
 25 the Company may deviate from the Levels and Gradients indicated on the deposited Sections to such an Extent as may be found necessary or convenient for avoiding or accommodating Sewers or improving the Sewerage or Drainage or Works in or under any Street through which the Railway passes, and may alter the Inclination
 30 of the Railway accordingly, notwithstanding anything in The Railways Clauses Consolidation Act, 1845, subject to these Restrictions, namely,—first, that no such Deviation be made without the Consent of the Metropolitan Board of Works; and, secondly, that the Level or Inclination of the Surface of any Street be not thereby
 35 affected.

Power to deviate from Levels for avoiding Sewers &c.

12. Where any Work authorized by the Special Act will or may
 pass or be over, under, or by the Side of, or prejudicially affect, any
 Work of the Metropolitan Board of Works, or of any Vestry or
 District Board, or of the Commissioners of Sewers of the City of
 40 London, then and in every such Case the following Provisions shall have effect:—

Protection of Sewers, &c. of Metropolitan and other Boards.

(1.) The Company shall not commence that Work until the Expiration of Twenty-one Days after they have delivered

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to

to the Metropolitan Board, Vestry, District Board, or Commissioners concerned Notice of their Intention to do so :

- (2.) The Company shall, at their own Expense and Risk, provide such new, altered, diverted, re-constructed, or substituted Works, as the Board, Vestry, District Board, or Commissioners concerned reasonably require for Protection of their own Work, and under the Superintendence and to the reasonable Satisfaction of the Engineer of the Board, Vestry, District Board, or Commissioners : 5
- (3.) When any such new, altered, diverted, re-constructed, or substituted Work, or any Work connected therewith, is completed, the same shall thenceforth be deemed to be a Work of the Board, Vestry, District Board, or Commissioners concerned, within the Meaning of this Act, and for all Purposes. 15

Bridges.

Bridges over
Streets in
Metropoli-
tan District.

13. Where the Railway is carried over any Street within the Metropolis, the following Provisions shall have Effect :—

- (1.) The Railway shall there be made and always maintained in such Manner as not to lessen the clear Width of the Carriageway and Footway of the Street as existing at the Time of the making of the Railway : 20
- (2.) The Arch or Opening of any Bridge there shall have a Headway of a Height not less than the prescribed Height, and if the Height of the Headway is not prescribed then the Height thereof shall not, except with the Consent of the Metropolitan Board of Works, be less than Eighteen Feet in the Centre : 25
- (3.) Every such Bridge shall be made ornamental, to the reasonable Satisfaction of the Metropolitan Board of Works, regard being had to the Character, Situation, and Neighbourhood of the Bridge : 30
- (4.) Any Abutment or Pier of any such Bridge shall not project beyond the general Line of Frontage of the adjoining Houses, save that where there are Gardens or Forecourts in Front of Houses, and the Distance between the Houses is great, the Company, with the Approval of the Metropolitan Board of Works, may erect and maintain Side Openings supported with Columns back to the general Line of Frontage of the Houses : 35 40
- (5.) Every such Bridge shall be made and kept watertight, that is to say, shall be so constructed and maintained as to prevent, as far as practicable, Rain or other Water dripping or otherwise passing through it :

(6.) Every

(6.) Every such Bridge shall be so constructed and maintained as to deaden as far as practicable the Sound of Traffic passing over it :

5 (7.) The Company shall not commence the Erection of any such Bridge until the Expiration of *Twenty-one* Days after they have delivered to the Metropolitan Board of Works Notice of their Intention to do so.

Cuttings, &c.

10 14. Where the Railway is carried by means of a Cutting or otherwise under any Street within the Metropolitan Railway District, the following Provisions shall have effect :—

Cuttings
&c. affecting
Streets in
Metropolitan
District.

15 (1.) If the Railway interferes with or alters the Level or Inclination of the Street it shall there be made and maintained in such Manner that the Inclination of the Street be not more than the prescribed Rate, and if none is prescribed then not more than One Foot in Forty Feet :

20 (2.) Every Bridge constructed by the Company for carrying the Street over the Railway shall be so constructed as not to lessen the Width of the Street, as existing at the Time of the Construction of the Bridge :

(3.) Every such Bridge shall be always so covered as to prevent as far as practicable the Escape of Steam, Smoke, or other offensive Effluvia into the Street :

25 (4.) Every such Bridge shall be so constructed and maintained as to deaden as far as practicable the Sound of Traffic passing under it :

30 (5.) The Company shall not commence the Construction of any such Bridge until the Expiration of *Twenty-one* Days after they have delivered to the Metropolitan Board of Works Notice of their Intention to do so.

Works before-mentioned in General.

35 15. Where under the foregoing Provisions the Company deliver to the Metropolitan Board of Works or any Vestry, District Board, or Commissioners, a Notice of their Intention to commence any Work, the following Provisions shall have effect :

Regulations
where No-
tice given to
Metropolitan
Board of
Works, &c.

(1.) The Company shall deliver with the Notice, a Plan and Section of the Work, and in case of a Bridge, an Elevation of the Bridge :

40 (2.) The Company shall not commence the Work until the Board, Vestry, District Board, or Commissioners concerned give their Approval thereof, unless they fail to give their Approval or Disapproval thereof, or to give any Direction respecting the same, within *Twenty-one* Days

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after the Delivery of such Notice, with such Plan and Section, and with such Elevation in case of a Bridge :

- (3.) In the Execution of the Work the Company shall comply with the reasonable Directions of the Board, Vestry, District Board, or Commissioners concerned : 5
- (4.) The Work shall be executed under the Superintendence of the Engineer or Surveyor of the Board, Vestry, District Board, or Commissioners concerned.

Works affecting Streets.

Protection of
Streets in
Metropolis.

16. Notwithstanding anything in The Railways Clauses Consolidation Act, 1845, the following Provisions shall have effect in relation to Streets within the Metropolis :— 10

- (1.) The Company shall not break up any Part of a Street until after the Expiration of Twenty-one Days from the Delivery by them to the Street Authority of a Notice specifying the 15 Portion of the Street (not exceeding Five hundred Yards run) intended to be broken up, and the Time at which the Work will be commenced,—except in case of Emergency, in which Case the Company shall deliver to the Street Authority a Notice specifying the Portion of the 20 Street interfered with as soon as possible after they commence to break up the same :
- (2.) The Company shall not, except with the Consent of the Street Authority, break up more than Five hundred Yards in Length of a Street at One Time : 25
- (3.) The Company shall not break up a Street except under the Superintendence of the Surveyor of the Street Authority, unless he refuses or fails to give such Superintendence, and in the Execution of the Work the Company shall comply with the reasonable Directions of such Surveyor : 30
- (4.) The Company shall make, and during the Execution of the Works affecting the Street maintain, to the reasonable Satisfaction of such Surveyor, all temporary Footways, Works, and Conveniences necessary or proper for safe and commodious Ingress and Egress to and from Houses in and 35 near the Line of their Works, and for Preservation of an uninterrupted Supply of Water and Gas to the Street and to those Houses :
- (5.) The Company shall not deposit any Subsoil or Rubbish excavated, or any Materials of the Street broken up, 40 except at such Place and in such Manner as such Surveyor approves :
- (6.) The Company shall, at their own Expense, while the Street is broken up, cause it to be properly fenced and guarded, and

and proper Light and Watch for the Warning of Passengers to be set up and kept there by Night to the reasonable Satisfaction of such Surveyor; and the Company shall as between themselves and the Street Authority, be answerable for all Accidents and Damage happening by reason or in consequence of the Works of the Company :

(7.) Such Surveyor shall at all Times during the Execution or Repair of the Company's Works affecting the Street have free Access to those Works :

(8.) The Company shall, to the reasonable Satisfaction of such Surveyor, provide new, altered, diverted, or substituted Drains and Gullies in the Street necessary or proper in consequence of the Company's Works :

(9.) The Company shall within the prescribed Time, and if none is prescribed then within Six Months after breaking up any Part of the Street, complete their Works affecting that Part thereof, and fill in the Ground, and except where the Surface is by the Special Act authorized to be permanently interfered with, make good and restore the same to the reasonable Satisfaction of such Surveyor, and remove all Rubbish occasioned by their Works :

(10.) Nevertheless, it shall be in the Option of the Street Authority to make good and restore the Paving, Macadamization, or other Surface Work, and remove the Rubbish, instead of permitting the same to be done by the Company ; and the Expenses of their so doing shall be paid to them by the Company on Demand, or on default may be recovered by them from the Company by Proceedings in any Court of competent Jurisdiction :

(11.) The Company shall defray the Expense incurred by the Street Authority in maintaining and keeping in repair the Street for Twelve Months next after the same has been made good and restored as aforesaid, and in Default of Payment thereof the Street Authority may recover the same from the Company by Proceedings in any Court of competent Jurisdiction :

(12.) If the Company fail to comply in any respect with the Provisions of the present Section, they shall forfeit and pay to the Street Authority a Sum not exceeding Twenty Pounds for every such Default, and a further Sum not exceeding Five Pounds for every Twenty-four Hours during which any such Default continues after Notice thereof delivered to them by the Street Authority; and every such Sum may be recovered by Proceedings in any Court of competent Jurisdiction :

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(13.) If

- (13.) If after breaking up the Street the Company fail to execute any Work required by the present Section, the Street Authority may do so, and the Expense of doing so shall be repaid to them by the Company on Demand, or on Default may be recovered from the Company by Proceedings in any Court of competent Jurisdiction. 5

Deposit of
Materials on
Streets, &c.

17. The Company shall not permit any Materials, Rubbish, or other Thing to be laid, shot, or placed by any of their Contractors, Agents, Servants, or Workmen on any Street within the Metropolis, except so far as may be necessary for any of the Company's Works, and so as not to obstruct the passing of Carriages, or to interfere with the Footway on one Side of the Street while the Footway on the other Side thereof is so obstructed by the Company, except with the previous Consent in each Instance of the Street Authority; and if the Company fail to comply in any respect with the Provisions of the present Section they shall forfeit and pay to the Street Authority a Sum not exceeding Five Pounds for every such Default, and a further Sum not exceeding One Pound for every Twenty-four Hours during which any such Default continues after Notice thereof delivered to them by the Street Authority, every such Sum to be recovered by Proceedings in any Court of competent Jurisdiction. 10 15 20

Payment for
Stones and
Materials.

18. Where any Street within the Metropolis is about to be permanently stopped up by the Company, under the Authority of the Special Act, the Company shall pay to the Street Authority the Value of such Paving Stones and other Materials and Things in the Street as are the Property of or vested in the Street Authority before the Company remove or interfere with the same, or the Value thereof may be recovered by the Street Authority from the Company by Proceedings in any Court of competent Jurisdiction. 25 30

Lighting of Arches.

Power for
Metropolitan
Board, &c.
to light
Arches over
Streets.

19. Where any Arch over a Street within the Metropolis will, in the Opinion of the Metropolitan Board of Works, or, where the same is within the City of London, of the City Commissioners of Sewers, cause public Inconvenience by obstructing the Light in the Street, the Metropolitan Board of Works or the City Commissioners of Sewers, as the Case may require, may set up and fix thereon or therein or near thereto, and keep lighted with Gas by Day and by Night, a Lamp or Lamps for affording proper Light and Security to Passengers; and the Expenses thereof and necessarily consequent thereon shall be borne and paid by the Company, and 35 40

and may be recovered by Proceedings in any Court of competent Jurisdiction.

Inclosures.

20. Where by reason of any Work of the Company any Ground
5 is thrown open to any Street within the Metropolis, the Company shall, if required by Notice delivered to them by the Vestry or District Board within whose District the Ground is situate, within Twenty-one Days after Delivery of such Notice, inclose the Ground in a Line with the Houses in the Street with good close Hoarding
10 or Brick Wall not less in Height than the prescribed Height, and if none is prescribed, then not less than Seven Feet in Height, and the Company shall for ever thereafter, by means of such a Hoarding or Wall, or by some Building or other fit Means, prevent the Ground from being open to the Street; and if the Company
15 fail to execute or maintain any Work which by the present Section they are required to execute and maintain, the Vestry or District Board concerned may do so, and may recover the Expense of doing so from the Company, by Proceedings in any Court of competent Jurisdiction.

Hoardings or Walls to be provided by Company.

20 21. Where any Arch under a Railway within the Metropolis, not being over the River Thames or over a public Thoroughfare, is yet open to the Public, the Company shall, if required by the Metropolitan Board of Works, or, where the Arch is within the City of London, by the City Commissioners of Sewers, inclose or fence in
25 the same so as to prevent it being or occasioning, by reason of its being open to the Public, any Nuisance or Detriment to the Inhabitants of the Neighbourhood, and keep the same so inclosed or fenced in; and if the Company fail to execute or maintain any Work which by the present Section they are required to execute
30 and maintain, the Metropolitan Board of Works, or the City Commissioners of Sewers, as the Case may require, may do so, and may recover the Expense of doing so from the Company by Proceedings in any Court of competent Jurisdiction.

Inclosure of Arches.

Works affecting Water and Gas.

35 22. All Works and Things which under The Railways Clauses Consolidation Act, 1845, or the Special Act, the Company are empowered or required to execute or do with reference to the Mains, Pipes, Syphons, Plugs, or other Works within the Metropolis of any Water or Gas Company, shall be executed or done by
40 and at the Cost of the Railway Company, but to the reasonable Satisfaction of the Engineer of the Water or Gas Company.

Superintendence of Water and Gas Companies.

Interruption
of Supply of
Water or
Gas.

23. If any Interruption in the Supply of Water or Gas by any Water or Gas Company is in any way occasioned within the Metropolis by the Railway Company, their Contractors, Agents, Servants, or Workmen, or any Persons in the Employment of them or any of them, the Railway Company shall forfeit and pay to the 5 Water or Gas Company a Sum not exceeding Ten Pounds for every Hour during which such Interruption continues, to be recovered by Proceedings in any Court of competent Jurisdiction.

Power to
Water and
Gas Com-
pany to enter
and repair
Pipes, &c.

24. Any Water or Gas Company, their Officers, Servants, and Workmen may from Time to Time, as Occasion requires, enter 10 on the Railway and Works and the Lands of the Railway Company within the Metropolis at any Place where for the Time being there are Mains, Pipes, Syphons, Plugs, or other Works of the Water or Gas Company, in order to execute and do, and accordingly may execute and do, all such Works and Things in and on 15 the Railway and Works and the Lands of the Railway Company as are necessary or proper for the repairing, maintaining, removing, or replacing of any such Mains, Pipes, Syphons, Plugs, or other Works in or under or over the Railway and Works and the Lands 20 of the Railway Company, not interrupting the Traffic on the Railway, doing as little Damage as may be, and making reasonable Compensation to the Railway Company for all such Damage.

Provision
for larger
Mains.

25. Where the Construction of the Railway or the Execution of any Work connected therewith within the Metropolis interferes with the Mains of any Water or Gas Company, the Railway Com- 25 pany shall at the Time of such Construction or Execution, on the Request of the Water or Gas Company, make Provision, as far as practicable, for allowing those Mains to be from Time to Time afterwards replaced by others of a larger Size.

Repairs of
Pipes, &c. to
be borne by
Company in
certain
Cases.

26. The Expense of all Repairs and Renewals of any such Mains, 30 Pipes, Syphons, Plugs, or other Works within the Metropolis, at any Time made necessary by the Acts or Defaults of the Railway Company, their Contractors, Agents, Servants, or Workmen, or any Persons in the Employment of them or any of them, shall be borne and paid by the Railway Company, and may be 35 recovered by Proceedings in any Court of competent Jurisdiction.

Works affecting Telegraphs, &c.

Protection of
Telegraphic
Apparatus,
&c.

27. The Company in executing Works within the Metropolis shall interfere as little as may be with any Tube or Apparatus 40 placed for the Purpose of Telegraphic Communication or belonging to

to the Pneumatic Despatch Company (Limited); and before executing any Work that might interrupt or obstruct the working of the same the Company shall, to the reasonable Satisfaction of the Company or Person to whom such Tube or Apparatus for the Purpose
5 of Telegraphic Communication belongs, or of the Pneumatic Despatch Company (Limited), as the Case may be, make Provision necessary or proper for preventing Interruption of or Obstruction to the Use or working of such Tube or Apparatus, and shall make reasonable Compensation for any Damage or Loss caused to such
10 Tube or Apparatus or to the Company or Person to whom it belongs, such Compensation to be recovered by Proceedings in any Court of competent Jurisdiction.

Openings for Light and Air.

28. The Company, with the Approval of the Metropolitan Board
15 of Works, may make Openings in the Carriageway of any Street within the Metropolis, for the Purpose of affording Light and Air to the Railway and Works during the Progress thereof and after their
Completion, subject to the following Restrictions: Power to
Company to
make Open-
ing in Car-
riageway.

- (1.) The Position of every such Opening shall be such as the
20 Metropolitan Board of Works prescribe :
- (2.) Every such Opening shall be inclosed by an Erection of an ornamental Character, according to a Design approved by the Metropolitan Board of Works :
- (3.) No such Erection shall occupy more than a Four-sided Space
25 Five Feet long on each Side :
- (4.) No such Opening shall be used for the carrying of Earth, Spoil, or other Things from the Railway or Works, or for the raising or lowering of Workpeople, or of Tools, Tackle, Scaffolding, or other Things, or for any Purpose other than
30 that of affording Light and Air as aforesaid.

New Streets.

29. Where the Company are authorized to make within the
Metropolis any new Streets, then, subject to the Provisions of the
Special Act and this Act and in accordance with the deposited
35 Plans, or within the Limits thereon defined, the Company may in connexion with the new Streets, and as Part of the Works by the Special Act authorized, and for the Purposes thereof, make Junctions and Communications with any existing Streets interfered with by or contiguous to any of the new Streets, and make
40 Diversions, Widenings, or Alterations of Lines or Levels of any existing Streets, for the Purpose of connecting the same with any of the new Streets, and remove, destroy, alter, divert, stop

Works con-
nected with
new Streets.

up, inclose, use, or appropriate all or any Part of any Street, or of any Sewer, or void Ground within the Limits of lateral Deviation defined on the deposited Plans, providing a proper Substitute before interrupting the Flow of Sewage in any Sewer.

Power to deviate from Levels, &c. of new Streets.

30. In making the new Streets the Company may, subject to the 5 Provisions of the Special Act and this Act, deviate to any Extent not exceeding Five Feet from the Levels defined on the deposited Sections, and may, subject as aforesaid, deviate from the Lines of any of the new Streets within the Limits of Deviation defined on the deposited Plans; but the Company shall not deviate beyond the 10 last-mentioned Limits without the Consent of the Person through whose Lands any such Deviation is made.

New Streets to be under Care of Local Authorities.

31. When the Roadways and Footways of the new Streets are completed and paved (of which a Certificate under the 15 Hands of Two Justices shall be for all Purposes conclusive Evidence) they may be used by the Public; and thenceforth the Roadways and Footways of the new Streets, with the sole Power, Authority, and Duty of paving, repairing, cleansing, and lighting the same, and for those Purposes of rating Hereditaments within the same, shall be under the like Care, Management, Control, and 20 Jurisdiction as other public Streets within the several Parishes or Places in which the new Streets are made.

Elevations of Houses to be approved by Metropolitan Board of Works.

32. The Houses, Erections, and Buildings fronting to any of the new Streets shall be constructed on such Elevations as the Metro- 25 politan Board of Works, before the Erection thereof, approve; and any House, Erection, or Building fronting to any of the new Streets, acquired by the Company but not removed or rebuilt by them, shall be so altered by the Company as the Metropolitan Board of Works require or approve for the Purpose of making the Elevations of all Houses, Erections, or Buildings fronting to the several new 30 Streets uniform or as nearly so as may be.

Expenses of Superintendence, &c.

Company to pay Expenses of Metropolitan Board, &c.

33. All reasonable Expenses to which the Metropolitan Board of Works, or any Vestry, District Board, Commissioners, Trustees, or 35 other Body are put, by reason of any Interference or Control exercised by them by virtue of the Special Act or this Act in relation to any of the Company's Works (in respect of Examination or Preparation of Plans, Sections, or Elevations, or in respect of Superintendence or on any other account) shall be borne by the Company and shall be paid to them by the Board, Vestry, District Board, 40

Commis-

Commissioners, Trustees, or other Body concerned, or may be recovered by Proceedings in any Court of competent Jurisdiction.

Arbitration.

34. If any Difference arises between the Company on the one
 5 Side, and the Metropolitan Board of Works, or any Vestry, District
 Board, Commissioners, Trustees, or other Body, or any Water or
 Gas Company, or any Company or Person to whom any Tube or
 Apparatus for the Purpose of Telegraphic Communication belongs, or
 the Pneumatic Despatch Company (Limited), or any other Company
 10 on the other Side, with respect to any Interference or Control exer-
 cised or claimed to be exercised by them or him or on their or his
 Behalf, by virtue of the Special Act or this Act in relation to any of
 the Company's Works, or with respect to any Plan, Section, or
 Elevation, or the Necessity or Propriety of or the Mode of Execution
 15 of any Work, or with respect to the Amount of the Compensation
 to be made by any Water or Gas Company to the Railway Com-
 pany, or on the Question whether any Plan or Work is such as
 should reasonably satisfy the Board, Vestry, District Board, Com-
 missioners, Trustees, Body, Company, or Person concerned with
 20 respect to any other Subject or Thing regulated by or comprised in
 this Act, the Matter in difference shall be settled by an Engineer or
 other fit Person nominated as Referee by the Board of Trade on the
 Application of either Party, and the Expenses of the Reference
 shall be borne and paid as the Referee directs.

Differences
between
Company
and Metro-
politan
Board, &c.

25 *Superfluous Lands.*

35. Where the Company hold any superfluous Lands within the
 Metropolis, they may at any Time and from Time to Time grant
 Leases or otherwise dispose thereof for Building or other Purposes,
 for such Terms of Years or other Interests, at or for such Rents
 30 or other Considerations, and subject to such Covenants, Conditions,
 and Stipulations, or on such other Terms as they deem expedient
 with reference to the Circumstances of each Case.

Building
Leases, &c. of
superfluous
Lands.

36. Whenever by vesting in various Owners or otherwise, the
 Reversion on any such Lease is severed, any Rent reserved thereon
 35 may be apportioned by Agreement between the Owners; and if such
 Apportionment is not so settled by Agreement, the same shall be
 settled by an Arbitrator appointed by the Board of Trade; and after
 any such Apportionment, the Owner of each Part of the Reversion
 shall, in respect of the apportioned Rent allotted or belonging to him,
 40 have the Benefit of all Conditions or Powers of Re-entry for Non-
 payment of the original Rent, in like manner as if such Conditions
 or Powers had been reserved to him as incident to his Part of the
 [170.] B 4 Reversion,

Apportion-
ment of
Rent, &c.
on Severance
of Reversion.

Reversion, in respect of the apportioned Rent allotted or belonging to him.

Local Rates.

Local Rates
to be made
good.

37. If and while the Company are possessed under the Special Act of any Lands within the Metropolis assessed or assessable to any 5 Sewers Rate, Consolidated Rate, Poor Rate, Police Rate, Main Drainage Rate, Church Rate, Tithe Rate, or other Parochial or Ward Rate, they shall from Time to Time, until the Railway is completed and assessable for such Rates, be liable to make good the Deficiency in the Assessment for such Rates by reason of those 10 Lands being taken or used for the Purposes of the Railway or Works; and the Deficiency shall be computed according to the Rental at which those Lands, with any Buildings thereon, were rated at the Time of the passing of the Special Act.

Trains for Artisans, &c.

15

Company
to run
Morning and
Evening
cheap Trains.

38. Where the Company has a Terminus or other Station within the Metropolis, the Company shall run a Train every Morning (Sunday, Christmas Day, and Good Friday excepted) from and to the prescribed Stations, and if none are prescribed, then from and to the Stations from Time to Time appointed by the Board of 20 Trade, calling at all intermediate Stations, and a Train every Evening (Sunday, Christmas Day, and Good Friday excepted) from and to the prescribed Stations, and if none are prescribed, then from and to the Stations from Time to Time appointed by the Board of Trade, calling at all intermediate Stations, at such Hours 25 (not being in the Morning later than Seven o'Clock or in the Evening earlier than Six o'Clock) as may be most convenient to Artisans, Mechanics, and daily Labourers (Male and Female) residing near the Line of the Railway, and having Business daily within the Metropolis, at Prices not exceeding One Penny for each Passenger 30 for each Journey (in addition to any Duty payable to Her Majesty), subject to the following Provisions :

- (1.) In case any Complaint is made to the Board of Trade of the Hours appointed by the Company for such Trains, the Board of Trade may, if they think it expedient, regulate 35 the same from Time to Time :
- (2.) If in any continuous Period of Six Months it is found that less than One hundred of such Passengers have been conveyed by each of such Trains, the Company, on Proof of that Fact to the Satisfaction of the Board of Trade, may 40 discontinue the running of such Trains, but the Board of Trade may at any Time order the Resumption thereof by the Company, if it seems to the Board of Trade desirable to do so.

39. With

39. With respect to Tickets for such Trains, the following Pro-
visions shall have effect : Regulations
as to Tickets.

- (1.) The Company shall not be required to issue a Ticket to any
Artisan, Mechanic, or daily Labourer for any such Train
for a less Period than One Week :
- (2.) On the Application of any Person for such a Ticket he shall
be bound to give his Name and Address, and the Name
and Address of his Employer :
- (3.) Before the Issue of a Ticket to him the Company shall have
a reasonable Time allowed for ascertaining by Inquiry
whether he is an Artisan, Mechanic, or daily Labourer
within the Meaning of this Act :
- (4.) If any Person holding such Ticket transfers or attempts to
transfer the same to any other Person he shall be liable
to a Penalty not exceeding Five Shillings, and his Ticket
shall be forfeited :
- (5.) Any Person using or attempting to use any Ticket so trans-
ferred shall be liable to a Penalty not exceeding Five
Shillings :
- (6.) The Company shall not be afterwards required to issue any
such Ticket either to the original Holder of any such
Ticket who has transferred or attempted to transfer the
same, or to any Person using or attempting to use any
such Ticket so transferred.

40. The Liability of the Company under any Claim to Compensa-
tion for Injury or otherwise in respect of each Passenger travelling
with such a Ticket shall be limited to a Sum not exceeding One
hundred Pounds; and the Amount and Distribution of Compensa-
tion payable in respect of any such Passenger shall be determined
by an Arbitrator appointed by the Board of Trade, and not otherwise.

Savings.

41. Except as by the Special Act expressly provided, nothing
therein or in any Act therewith incorporated shall derogate from
the Estates, Rights, Interests, Liberties, Privileges, or Fran-
chises of the Mayor and Commonalty and Citizens of the City
of London.

42. The Company shall not take, use, or otherwise interfere with
any Lands under the Charge and Management of the Commissioners
for the Time being appointed by virtue of The Crown Estate Paving
Act, 1851, without the previous Consent of those Commissioners,
and, except as by the Special Act expressly provided, nothing
therein or in any Act therewith incorporated shall divest or

prejudice any of the Rights, Powers, or Privileges vested in or enjoyed by those Commissioners.

Saving for
Battersea
Park Com-
missioners.

43. The Company shall not take, use, or interfere with any Lands belonging to the Battersea Park Commissioners without the previous Consent of the First Commissioner for the Time being of Her Majesty's Works and Public Buildings, which Consent he is hereby authorized to give, on such Conditions as he thinks fit.

Saving for
Operation of
General
Acts.

44. Nothing in the Special Act or in any Act therewith incorporated shall exempt the Railway within the Metropolis, or the Company, from the Provisions of any General Act in force at the passing of the Special Act or thereafter passed in the same or any subsequent Session of Parliament relative to Railways within the Metropolis, or to the Accommodation, Conveyance, Interchange, or Delivery of Traffic, on, between, or from such Railways, or to the Regulation or the conferring of Powers on any public Body or Authority for the Regulation of Traffic in, at, or near the Termini or other Stations of such Railways.

PART III.

RAILWAYS IN GENERAL.

Lands. 20

Provision as
to concurrent
Powers of
Purchase.

45. Where Two or more Railway Companies have concurrent Powers for the Purchase of Lands, no One of the Companies shall purchase any Part of those Lands until the Expiration of Twenty-one Days after Notice of the Intention to do so has been delivered to the other or others of the Companies; and if within those Twenty-one Days any of the Companies to whom Notice is delivered by a Counter-notice delivered to the Company giving the Notice objects to the Purchase by the Company giving the Notice, then neither the Company giving the Notice nor the Company objecting shall purchase any Part of the Lands referred to in the Notice until an Arbitrator appointed by the Board of Trade on the Application of either Party decides whether any, and if any, what Portion of such Lands may be purchased by each or either of them. The Arbitrator shall decide with a view to enabling both Companies to execute their Undertakings as authorized. 25 30 35

Completion of Railway.

Penalty for
Non-comple-
tion of
Railway.

46. Where by the Special Act an existing Railway Company possessed of a Railway open for public Traffic are authorized to construct

construct a new Railway; or the Time for completing a previously authorized Railway is extended, then if the Company fail within the prescribed Period to complete the new or the previously authorized Railway (as the Case may be) and to open it for public Traffic, they shall be liable to a Penalty not exceeding Fifty Pounds for every Day after the Expiration of the prescribed Period until the Railway is completed and opened for public Traffic, such Sum to be recoverable as a Debt due to the Crown,—except only in respect of any Time during which it appears by a Certificate of the Board of Trade that the Company were prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be deemed a Circumstance beyond their Control within the Meaning of the present Section.

15 *Rules respecting Tolls, &c.*

47. For Passengers, Animals, or Goods conveyed on the Railway for a Distance less than that prescribed as the short Distance, and if none is prescribed, then for a Distance less than Four Miles, Charges shall be payable as for the short Distance prescribed, and if none is prescribed, then as for Four Miles.

Short
Distance
Charge.

48. In respect of Passengers conveyed on the Railway, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile.

Fraction of
Mile; Pas-
sengers.

49. In respect of Animals and Goods conveyed on the Railway for a Fraction of a Mile beyond the short Distance prescribed, or if none is prescribed, then beyond Four Miles, or beyond any greater Number of Miles, Charges shall be payable in proportion to the Number of Quarters of a Mile contained in that Fraction, and a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile.

Fraction of
Mile;
Animals and
Goods.

50. In respect of Goods conveyed on the Railway, for a Fraction of a Ton Charges shall be payable according to the Number of Quarters of a Ton in that Fraction, and a Fraction of a Quarter of a Ton shall be deemed a Quarter of a Ton.

Fraction of
Ton.

51. Every Passenger conveyed on the Railway may, without Charge, cause to be carried in the same Train with him his ordinary Luggage, not exceeding the prescribed Weight, and if none is prescribed, then not exceeding the Weight of One hundred and twenty Pounds for a First-class Passenger, One hundred Pounds for a Second-class Passenger, and Sixty Pounds for a Third-class Passenger.

Passengers'
Luggage.

Special
Trains.

52. Restrictions in the Special Act with respect to Charges for Passengers conveyed on the Railway shall not extend to Special Trains when required by Passengers, but shall apply only to the Ordinary or Express Passenger or Goods Trains appointed by the Company. 5

Determina-
tion of
Weight.

53. The Weight of Goods conveyed on the Railway shall be determined according to Avoirdupois Weight, save that with respect to Stone and Timber Fourteen Cubic Feet of Stone, and Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, 10 and so in proportion for any smaller Quantity; but it shall be in the Option of either Party to have the Weight of Stone and Timber also determined by Avoirdupois Weight.

Terminal
Charges.

54. In addition to the Charges for Goods conveyed on the Railway specifically authorized by the Special Act, a reasonable 15 Charge shall be payable for the loading, covering, and unloading of Goods at any Station on the Railway, being a Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Services incidental to the Duty or Business of a Carrier where such Services or any of them are or is performed by the 20 Company: A Station shall not be considered a Terminal Station in respect of any Goods unless they are received there direct from the Consignor or are ordered to be delivered there to the Consignee.

Small
Packages.

55. The Term Small Packages, where used in the Special Act or in this Act, shall not include Articles sent in large aggregate 25 Quantities, although made up of separate Parcels, (such as Bags of Sugar, Coffee, Meal, and the like,) but shall apply only to single Parcels in separate Packages.

Agreement
for higher
Charges as
to Goods.

56. Nothing in this Act or in the Special Act, or any Act there- with incorporated, shall prevent the Company taking any Charge 30 over and above the Charges by the Special Act limited for the Conveyance on the Railway of Goods of any Description, by Agree- ment with the Owners of or any Person in charge of such Goods, either by reason of the Conveyance thereof by Passenger Trains (except in case of Small Packages) or by reason of any other Special 35 Service performed by the Company in relation thereto.

Company
not bound
to carry
Manure, &c.

57. The Company shall not be bound, except by Agreement, to carry on their Railway any Nightsoil, Dung, Manure, Compost, or other offensive Matter.

Directors.

Directors.

58. Directors appointed by the Special Act incorporating the Company shall continue in Office until the First Ordinary Meeting after the passing of the Special Act, and at that Meeting the Shareholders of the Company present, personally or by proxy, may, as they think fit, either elect a new Body of Directors (the Directors appointed by the Special Act being eligible as Members of such new Body), or continue in Office the Directors appointed by the Special Act, or continue in Office some only of those Directors, and elect Directors to supply the Places of those not continued in Office.

Continuance in Office of First Body of Directors.

Application of Money.

59. It shall not be lawful for the Company, out of any Money by any Special Act relating to the Company authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital of the Company; but this Provision shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is allowed by The Companies Clauses Consolidation Act, 1845, or The Companies Clauses Consolidation (Scotland) Act, 1845, (as the Case may require).

Interest not to be paid on Calls paid up.

60. It shall not be lawful for the Company, out of any Money by any Special Act authorized to be raised for the Purposes of any Special Act, to pay or deposit any Money by any Standing Order of either House of Parliament required to be paid or deposited in respect of any Application to Parliament for an Act to authorize the Company to construct any Railway or to execute any Work or Undertaking.

Deposits for Bills not to be paid out of Company's Capital.

Savings and Restrictions.

61. The Company shall not take, use, or interfere with any Lands or any Rights of whatsoever Nature, belonging to or enjoyed or exercisable by the Queen's most Excellent Majesty, Her Heirs or Successors, in right of the Crown, without the previous Consent of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, Her Heirs or Successors (which Consent those Commissioners respectively are hereby authorized to give); and as incidental to any such Consent the Company may enter into any Agreement with those Commissioners, or One of them, who respectively may, with the Approval of the Commssioners of Her Majesty's Treasury,

Saving for Rights of Crown.

join in every such Agreement; and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, with the like Approval, and the Company respectively, may execute all necessary or proper Conveyances, Leases, Licences, or other Deeds or Instruments of or relating to any Lands or Rights be- 5
 longing to Her Majesty, Her Heirs or Successors, in right of the Crown; and every Agreement so entered into as aforesaid shall be performed by the same Commissioners and the Company respectively; and nothing in the Special Act, or in any Act therewith incorporated, shall divest, take away, prejudice, diminish, or alter 10
 any Estate, Right, Privilege, Power, or Authority at the passing of the Special Act or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors in right of the Crown.

Saving for
Rights of
Duchy of
Lancaster.

62. The Company shall not take, use, or interfere with any 15
 Lands or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty, Her Heirs or Successors, in right of the Duchy of Lancaster, without the previous Consent of the Chancellor of the Duchy for the Time being, which Consent he is hereby authorized to give on such Con- 20
 ditions as he thinks fit; and nothing in the Special Act, or in any Act therewith incorporated, shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority at the passing of the Special Act or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or 25
 Successors, in right of the Duchy of Lancaster.

Saving for
Lands held
by Board of
Trade.

63. The Company shall not take, use, or interfere with any
 Lands vested in or held by the Board of Trade, without the previous Consent of the Board of Trade, under the Hand of One of their Secretaries. 30

Saving for
Lands, &c.
of Commis-
sioners of
Works, &c.

64. The Company shall not take, use, or interfere with any Lands
 belonging to the Commissioners of Her Majesty's Works and Public Buildings without the previous Consent of the First Commissioner for the Time being of Her Majesty's Works and Public Buildings, which Consent he is hereby authorized to give, on such 35
 Conditions as he thinks fit.

Consent of
Conservators
for Works
affecting
Thames.

65. The Company shall not make any Work on any Part of the Shore or Bed of the River Thames within the Jurisdiction of the Conservators of the River Thames without the previous Consent of the Conservators under the Hand of their Secretary. 40

66. The

66. The Company shall not embank, encroach on, or interfere with any Part of the Shore or Bed of the River Thames within the Jurisdiction of the Conservators of the River Thames, except according to Plans approved by the Conservators. Works to be according to approved Plan.

5 **67.** The Company shall not take any Gravel, Soil, or other Material from the Bed of the River Thames within the Jurisdiction of the Conservators of the River Thames without the previous Consent of the Conservators under the Hand of their Secretary. Material from River.

10 **68.** If the Company shut up, remove, or obstruct the Use of any Free Public Stairs or Landing Place within the Jurisdiction of the Conservators of the River Thames, they shall forthwith erect or provide in lieu thereof some equally convenient Free Public Stairs or Landing Place to the Satisfaction of the Conservators; and if the Company fail to execute any Work which by the present Erection of public Stairs.
15 Section they are required to execute, the Conservators may do so, and may recover the Expense of doing so from the Company by Proceedings in any Court of competent Jurisdiction.

69. Except as by the Special Act expressly provided, nothing therein or in any Act therewith incorporated shall derogate from Saving for Rights of Conservators of Thames.
20 the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Conservators of the River Thames, or prohibit, defeat, diminish, or alter any Power, Authority, or Jurisdiction which at the passing of the Special Act, or at any Time thereafter, they lawfully claim, use, or exercise.

25 **70.** Except as by the Special Act expressly provided, nothing therein or in any Act therewith incorporated, shall take away, lessen, or prejudicially affect any Right, Power, or Authority of the Metropolitan Board of Works, or of any Vestry or District Board, and Saving for Rights of Metropolitan Board of Works, &c.
30 except as aforesaid all such Rights, Powers, and Authorities shall be as valid and effectual to all Intents as if the Special Act had not been passed.

71. Nothing in the Special Act or in any Act therewith incorporated shall exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to the better Saving for Operation of General Acts.
35 and more impartial Audit of the Accounts of Railway Companies, in force at the passing of the Special Act or thereafter passed in the same or any subsequent Session of Parliament, or from any subsequent Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized
40 to be taken in respect of the Railway or of the Rates for small Packages.

Railways Clauses.

A

B I L L

[AS AMENDED IN COMMITTEE]

For consolidating in One Act Provisions
frequently inserted in Acts relating
to Metropolitan and other Railways.

(*Prepared and brought in by*
Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, to be Printed,
26 May 1865.

[Bill 170.]

Under 4 c2.



A

B I L L

INTITULED

An Act for the recording of Titles to Land in Ireland.

[Note.—*The Words and Clauses printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient that Titles conferred by the Preamble.
Landed Estates Court, Ireland, should be kept free from
Complication, so that subsequent Dealings with the

Estates held under such Titles may be more simple and economical :

5 Be it enacted by the Queen's most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the
Authority of the same, as follows :

1. This Act may be cited for all Purposes as " The Record of Short Title
10 Title Act (Ireland), 1865 ;" it shall apply to Ireland only, and shall and Extent
come into operation on the Second Day of November One thousand of Act.
eight hundred and sixty-five.

2. In the Construction of this Act (except where the Context Construction
or other Provisions of this Act require a different Construction) — of Terms.

15 The Word " Judge " shall mean One of the Judges of the
Landed Estates Court, Ireland :

The Word " Court " shall mean the Landed Estates Court,
Ireland :

[Bill 151.]

A

The

The Word "Officer" shall mean the Officer for the Time being of the Landed Estates Court, Ireland, whose Duty it shall be to carry out this Act, under the Direction of the said Court:

The Word "Record" shall mean the Book or Books to be provided and kept for the recording of Titles, pursuant to this 5 Act, in the Landed Estates Court:

The Word "Land" shall extend to Manors, Messuages, Advowsons, Rectories, Tithes, Lands, Tenements, and Hereditaments, and to Rents or Annuities charged upon Hereditaments, whether subject to any Fee-farm or other perpetual Rent, with 10 or without Condition of Re-entry for securing the same, or otherwise, and whether corporeal or incorporeal, and to any undivided Share thereof:

The Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by a 15 Lease or Agreement in the whole or any Part of the Land therein comprised, and shall include any Term of Years:

The Word "Owner," as applied to Land, shall include any Person entitled in possession in Fee Simple or in Tail or quasi in Tail, and any Person who has a Power of appointing 20 or disposing of the Fee, and any Person entitled as a Trustee for Sale or having a Power of Sale, and as applied to a Lease shall include any Person entitled in possession to the Interest thereunder, or having Power to appoint or dispose thereof, and to any Person entitled thereto as a Trustee for 25 Sale or having a Power of Sale:

The Words "Person" or "Owner" shall extend to a Body Politic or Corporate:

The Word "Charge" or "Incumbrance" shall include any Legacy, Portion, Lien, or other Charge whereby a Sum of 30 Money is secured to be paid, and also any annual or periodical Charge, and also any Charge hereafter to be imposed on Land under any Public Act for promoting Drainage or Land Improvement, and also every other Charge upon Land which is deemed an Incumbrance in a Court of Equity: 35

The Word "Certificate" or "Land Certificate" shall include the Counterpart of a Conveyance, or the Duplicate of a Judicial Declaration of Title recorded pursuant to this Act:

The Word "Settlement" shall include any Instrument under which any Land or Lease shall be at Law or in Equity so 40 limited as to create partial or limited Estates or Interests:

The Expression "recorded Estate" shall mean any Land or Lease the Title to which shall be recorded under the Provisions of this Act:

Record of Title to be established of Land which has been the Subject of Conveyance or Declaration by the Landed Estates Court.

3. There shall be established a Record of Title, to be kept under the Control and Direction of the Landed Estates Court; and the Office in which such Record is kept shall be called "the Record of Title Office" of the said Court.

Record of Title to be established under Control of the Landed Estates Court.

4. Any Person, upon obtaining a Conveyance from the Court of any Land or Lease, or of any Interest therein, shall be entitled to have such Conveyance, entered in the Record, and on the same being so entered the Land or Lease, or Interest therein, comprised in such Conveyance, shall be and be deemed to be for the Purposes of this Act a "recorded Estate."

Any Conveyance from the Court may be recorded under this Act.

5. And whereas the Court has Power to grant a Judicial Declaration of Title to a Fee Simple Estate, and it is desirable to extend such Power: Be it therefore enacted, That, notwithstanding anything contained in an Act of the Twenty-first and Twenty-second Years of the Reign of Her Majesty, intituled "An Act to facilitate the Sale and Transfer of Land in Ireland," the Court may, on the Application of the Owner of any Land or Lease of any Tenure in Ireland, proceed to investigate his Title, and grant such Declaration, in the Manner directed by the said Act.

Extension of the Powers of the Court as to granting Declarations of Title.

6. Any Person, upon obtaining a Declaration of Title from the Court, shall be entitled to have such Declaration entered upon the Record, and thereupon the Land or Lease comprised therein shall be and be deemed to be a recorded Estate; and no Declaration of Title so entered upon the Record shall be registered in the Office for registering Deeds in Ireland; and it shall not be necessary to keep in the Court any other Record or Copy of any such Declaration of Title than that herein-after mentioned, anything in the said recited Act, or in any Rule or Order made pursuant thereto, notwithstanding.

Every Declaration of Title may be recorded, and need not be registered in the Deeds Registry. 21 & 22 Vict. c. 72. s. 51.

7. Any Person to whom any Conveyance or Declaration of Title shall be given by the Court may, by Requisition under his Hand, lodged in the proper Office of the Court within Seven Days after the Execution of such Conveyance or Declaration by a Judge, require that the Title so conferred shall not be recorded under this Act; and on such Requisition the Court shall deliver out such Conveyance or Declaration, and the same shall not be recorded: The Provisions of the said Act of the Twenty-first and Twenty-second Years of the Reign of Her Majesty, as to the Registration of Declarations of Title in the Office for registering Deeds, shall in that Case

Any Person obtaining a Conveyance or Declaration may decline to have his Title recorded under this Act.

take effect as though this Act had not been passed: Provided always, that any Declaration of Title made after the passing of this Act, and not recorded pursuant to this Act, may be registered in the said Office for registering Deeds at any Time within Fourteen Days after the Execution thereof by the Judge. 5

Conveyances and Declarations when recorded to be entered, each to form, with subsequent Entries, a Folio. 25 & 26 Vict. c. 53. s. 28.

8. All Conveyances and Declarations which are retained for the Purpose of being recorded under this Act shall be entered in the Book or Books forming the Record, and bound up therein, leaving Space for further Entries; and each of such Conveyances and Declarations, together with the further Entries (if any) thereunder, shall form a Division (herein-after called a Folio) of the Record, distinguished by a separate Number, or in such other Manner as the Officer may determine. 10

Duplicates of Conveyances or Declarations may be issued.

9. A Counterpart of every Conveyance and a Duplicate of every Declaration of Title, recorded as aforesaid, signed by a Judge, and under the Seal of the Court, may be issued to the Person entitled thereto; and every such Counterpart or Duplicate so issued shall be marked by the Officer with a Memorandum of the recording as aforesaid; and every such Counterpart or Duplicate so marked shall as of the Date thereof be and be deemed to be for all Purposes as effectual as a "Land Certificate" granted as herein-after mentioned, and shall for the Purposes of this Act be regarded as a Land Certificate. 15 20

Books of Record not to be inspected without Leave. 25 & 26 Vict. c. 53. ss. 15. and 137.

10. The Record shall be kept in the Office, and shall not be removed therefrom for any Purpose, unless the Court shall direct. The Record may be inspected by the recorded Owners respectively or by their Solicitors. No other Person shall be permitted to inspect or to take Copies of or Extracts from the Record, unless authorized by Fiat of a Judge. An Index to recorded Estates shall be made and regularly entered up; and such Index may be inspected by any Person without Payment of any Fee. 25 30

Index to be made.

Questions arising on the Record to be disposed of by a Judge, who may decide or deal with the same as may seem right. 25 & 26 Vict. c. 53. ss. 17, 18. and 92.

11. If in making up or continuing such Record of Title as aforesaid any Question shall arise as to the true Construction or legal Validity or Effect of any Deed, Will, or Instrument, or as to the Persons entitled, or the Extent or Nature of the Estate, Right, or Interest, Power or Authority, of any Person or Class of Persons, or the Priority of any Charge or Incumbrance, Claim or Interest, or as to the Mode in which any Entry ought to be made in the Record of Title, such Questions shall be disposed of summarily by the Judge, who may either decide the same, or direct any Proceeding at Law or in Equity for that Purpose, or, at his Discretion, and 35 40

and without deciding such Question, may direct such Entry to be made on the Record as shall appear to be right; and the Judge may direct the Estate or Interest of any Person to be recorded by reference to the Deed, Will, or Instrument creating the same, or
 5 Copy thereof made and retained in Court, as herein-after directed.

12. Subject to any Qualification mentioned in such Record of Title, and to any recorded Charges, Incumbrances, Tenancies, or Leases, and to any Tenancy or Lease not required to be noted on the Record, the recorded Owner for the Time being shall be
 10 and be deemed to be absolutely and indefeasibly possessed of and entitled to such recorded Estate, against all Persons, and free from all Rights, Interests, Claims, and Demands whatsoever, **including any Estate, Claim, or Interest of Her Majesty, Her Heirs and Successors** : Provided always, that nothing herein contained shall
 15 prejudice or affect any Rentcharge in lieu of Tithe, or any Crown Rent or Quitrent to the Crown, or any Charge imposed before the Day of the passing of this Act under any Public Act or Acts for promoting Drainage or Land Improvement in Ireland.

Recorded Owners to be entitled to the Estates mentioned on the Record, free from all other Claims.
 25 & 26 Vict. c. 53. s. 20.

13. No Entry in such Record of Title as aforesaid shall be set
 20 aside or called in question as against any Person who may afterwards become interested under any Sale, Mortgage, or Contract for valuable Consideration, by reason of any Irregularity or Informality therein, or in the Proceedings previous to the making thereof.

Informality not to prejudice Entry in Record of Title.
 25 & 26 Vict. c. 53. s. 21.

14. From and after the recording of any Land or Lease, every
 25 Settlement, Transfer, Mortgage, Charge, Lease, or Sub-Lease granted or in any Manner created in or affecting such Land or Lease or any Part thereof (except as herein excepted), shall be entered or noted in the Record of Title to be kept as aforesaid.
 30 Recorded Charges on the same Land or Lease shall, as between themselves, rank according to the Date of their being recorded, and not according to the Date of their Creation.

Every Charge, &c. to be entered in Record of Title.
 25 & 26 Vict. c. 53. s. 32.

15. Subject to the Enactments herein contained, the Estates and
 35 Interests of all recorded Owners shall remain subject to the existing Law, and may be dealt with, assured, devised, and transmitted by Descent or Representation according to the ordinary Rules of Law and Equity.

Estates of Proprietors subject to existing Law.
 25 & 26 Vict. c. 53. s. 33.

16. The Provisions of the several Acts of Parliament now in
 40 force relating to the Registry of Deeds in Ireland shall cease to be applicable to any Land so soon as it has been placed on the Record
 [151.] A 3 under

Acts relating to Registry of Deeds not to apply to

recorded
Land.
25 & 26 Vict.
c. 53. s. 104.

under the Provisions of this Act, and so long as it remains thereon and the said several Acts shall not be applicable to any Lease, Charge, or Incumbrance on the Record, so far as the same affects any recorded Estate.

Power to
amend the
Record on
Fiat of a
Judge, and
the like
Amendment
to be made
in Land Cer-
tificate.

17. The Officer shall, when directed by a Fiat of a Judge, but 5
not further or otherwise, make any Amendment or correct any
Error in the Record or in any Map thereto annexed, as the Judge
shall consider just; such Amendment or Correction shall be made
after such Notices, and on such Terms as to Costs or otherwise, as
the Judge may think fit. Every such Amendment or Correction 10
in the Record shall be marked by the Officer with the Date of
making the same, and with the Initials of his Name; and any
Certificate which may have been issued as herein-after mentioned,
or other Instrument of Title, shall be amended in like Manner;
and the Judge may direct and compel any such Certificate or 15
Instrument of Title to be brought to the Office by any Person for
the Purpose of Amendment, or for the Purpose of having a new
Certificate granted in lieu thereof; and such Amendment of the
old or substitution of a new Certificate shall be without Prejudice
to any Claim of Lien or other Claim thereon, and shall be on such 20
Terms as to Costs as may be just.

Power to
order a Cer-
tificate to be
brought in to
be amended
or a new one
substituted.

As to Land Certificates and Certificates of Charges.

Officer to
deliver Land
Certificates.
25 & 26 Vict.
c. 53. ss. 68.
and 69.

18. The Officer shall upon Request deliver to every Person who
is named or described in the Record as the Owner of any recorded
Estate a Certificate, herein called a "Land Certificate," under the 25
Seal of the Office, which Certificate shall contain a Copy of the
Description of the Estate and Particulars of the Incumbrances,
Leases, and other Matters in force relating thereto, and a Copy of
the Map (if any); the Officer shall also upon Request, deliver to
every Person who is named or described in the Record as the 30
Owner of any Charge or Incumbrance a Certificate of Charge:
Provided always, that no Certificate shall be issued until any
Duplicate Conveyance or Declaration or former Certificate (as the
Case may be) which may have been issued shall be returned to the
Officer to be cancelled. 35

Certificates
of Charge
to be also
issued.

Officer to
compare
Certificate
with the
Record.
25 & 26 Vict.
c. 53. s. 69.

19. At the Request of the Holder the Officer shall at any Time
compare any such Certificate with the Record, and, if there has
been no Alteration, shall certify at the Foot of such Certificate that
it contains a true Statement of the Entries in the Record, and shall
sign the same and add the Date of such Signature. Any Alteration 40
or Omission which can be conveniently made in a Certificate, or
any

any Addition thereto, so as to make the same correspond with any Alteration in the Record, may be made and signed by the Officer, if he shall think fit. Before recording any Transfer or other Dealing (except a Lease), the Officer shall require the Production of the
 5 Certificate or other Instrument of Title equivalent thereto that may have been issued, and when such Transfer or Disposition has been completed; such Certificate or Instrument of Title (if re-issued) shall be made up so as to correspond with the Record. A new Certificate may be granted on the Delivery up of the former
 10 Certificate.

20. Whenever any recorded Owner shall be desirous of selling or mortgaging any recorded Estate he may, on giving up to the Officer his Land Certificate, obtain a "special Land Certificate" for that Purpose, which shall contain the Particulars given in the
 15 Land Certificate. Such special Certificate shall be conclusive Evidence of the Title of the recorded Owner as appearing by the Record. No Entry shall be made by the Officer in the Record of any Deed, Instrument, Act, or Transaction affecting the Estate comprised in such special Certificate, except on the Delivery up of such special
 20 Certificate, until Fourteen Days have expired from and after the Day of the Date thereof. A Note of such special Certificate shall be entered in the Record.

Recorded Owner desirous of selling, &c. may obtain special Land Certificate.
 25 & 26 Vict. c. 53. s. 70.

21. Every Land Certificate, or Certificate of Charge, duly signed and sealed, shall be conclusive Evidence of the several Matters
 25 therein contained as of the Date of such Certificate. The Deposit of the Certificate by the Person entitled thereto shall, for the Purpose of creating a Lien on his Estate and Interest, be a valid Security in the Terms of any Letter or Memorandum or Agreement accompanying such Deposit; and such Letter or Memorandum or
 30 Agreement shall be chargeable with the same Stamp Duty as a Mortgage would have been, according to the Stamp Acts now in force.

Certificate to be Evidence, and may be deposited as Security.
 25 & 26 Vict. c. 53. ss. 71. and 73.

22. Any Owner of a recorded Estate or Charge, on making Application to the Officer, and upon giving up his Certificate to be
 35 cancelled, and on producing the Consent of any Incumbrancer or other Person whose Consent shall be deemed necessary, may obtain separate Certificates for separate Parcels of Land, or for separate Portions of any Charge; and in such Case the old Folio of the Record may be cancelled, and new Folios or Chapters relating to
 40 such Subdivisions may be opened therein.

Power of subdividing Land or Charge, and of obtaining new Certificates.

23. On the Transfer of Part of a recorded Estate a new Folio shall be opened in respect of such Part, and a new Land Certificate
 [151.] A 4 issued; Estate.

Procedure on Transfer of Part of an Estate.

issued; and a suitable Entry shall at the same Time be made on the Folio and Map relating to the Residue and on the Certificate thereof; or, if the Officer shall deem it more convenient, he may cancel the old Folio, and open a new one, and issue a new Certificate in respect of the Residue of the Estate. 5

Apportionments may be made and Surveys directed for the Purposes of Sub-division.

24. If for any Purpose mentioned in the last Section any Apportionment of Head Rent or of Tenant's Rent shall be desirable, the Court may apportion such Rent, whether the same be reserved by a Fee-farm Grant or by a Lease, according to its usual Practice with regard to Apportionments, and on the like Notices or Consents being produced: Provided always, that the Officer may, if he deem it necessary, require a new Boundary Survey to be made and new Maps furnished before proceeding to open new Folios in the Record as to separate Parcels of Land. 10

On Proof of Loss, &c. of Certificate, a new one may be given.
25 & 26 Vict. c. 53. s. 118.

25. If any Land Certificate or Certificate of Charge be lost or destroyed, the Officer may, upon being satisfied of the Fact of such Loss or Destruction, and after such public Advertisement for the Recovery of the same as he may consider expedient, give a new Certificate, and shall state thereon that it is given in substitution for the former Certificate, **and the same Fees shall be chargeable for the new as for the former Certificate;** but no such new Certificate shall be of any Avail against any Person who may have already derived Title under the former Certificate. 15 20

Transfer and Transmission of recorded Estates and Charges.

Modes by which recorded Estates and Charges may be dealt with.
25 & 26 Vict. c. 53. ss. 63. and 74.

26. Recorded Estates and recorded Charges may be conveyed, charged, settled, dealt with, or affected— 25

By a Statutory Deed or Disposition in either of the Forms in the Schedule annexed to this Act;

By Indorsement on the Certificate;

By Deposit of the Certificate as aforesaid; 30

By Deed, Will, Decree, Order, or other Means by which such Land or Charge, if not recorded, might now, according to Law, be dealt with or affected;

but no Estate, Interest, Contract, or Dealing not noted on the Record shall prevail against the Title of any Owner duly recorded under this Act; and no Equitable Mortgage or Lien on recorded Land shall be created by Deposit of Title Deeds. 35

Attendance of Parties at the Office to transfer or deal with recorded Land, &c.

27. On the Occasion of any Transfer, Mortgage, or other Disposition of a recorded Estate, or of any Charge or Incumbrance thereon, the Parties or their Attorneys lawfully authorized may attend at the Office to complete the Transaction. The Description of 40

of the Land and of the Estate or Charge proposed to be transferred or dealt with shall be taken from the Record, and inserted, under the Superintendence of the Officer, in one of the Statutory Forms set out in the First Schedule hereto; and such Transfer or Dis-
 5 position shall be executed by the Owner or Transferrer, or by his Attorney lawfully authorized, and duly attested by a Solicitor, and shall then and there, together with the Power of Attorney (if any), be delivered to the Officer, for the Purposes of having an Official Note entered in the Record.

25 & 26 Vict.
 c. 53. s. 64.

10 **28.** The recorded Owner of any Estate, Charge, or Incumbrance may transfer or charge the same by one of the Forms in the First Schedule hereto, and the same shall be as complete and effectual as any other Form of Transfer, Charge, or Mortgage would have been, either at Law or in Equity. Persons taking under either
 15 of the said Statutory Forms shall take as fully and effectually as if the Estates and Rights expressed to be created and given by such Forms respectively had been created or granted by any of the Modes of Assurance now known to the Law.

Transfer,
 &c. may be
 by the
 Statutory
 Forms, which
 shall be
 effectual.

25 & 26 Vict.
 c. 53. ss. 65.
 and 66.

29. Any Person claiming under a Deed or Instrument executed
 20 elsewhere than in the Office may apply to have the same recorded, on giving sufficient Evidence of the due Execution thereof; and when the Officer has received such Deed or Instrument he shall forthwith note the same on the Record; and shall retain in Court either the Original or a Counterpart, or a Copy, made and compared
 25 in such Manner as the Court may by General Rule direct, and under the Hand of the Grantor; and the Original, if handed back to the Person entitled thereto, shall be so marked or indorsed by the Officer as to show that it has been noted on the Record; and so far as relates to the recorded Estate or Charge thereby affected
 30 it shall not be necessary to register any Memorial of such Deed or Instrument in the Office for registering Deeds in Ireland: Provided always, that the Officer may decline to receive and note any Deed or Instrument which is not made in One of the Forms in the Schedule hereto, unless a Judge has, by Fiat indorsed thereon, directed the
 35 same to be received and noted.

Other
 Deeds may
 be recorded,
 on Evidence
 of due Exe-
 cution.

Originals
 or Copies to
 be retained
 in Court.

30. So soon as any Deed or Instrument has been duly executed, and has been received by the Officer, such Deed or Instrument, and the Estate and Right created thereby, shall be deemed to have been duly entered on the Record, and an Official Note of Reference
 40 thereto shall forthwith be made by the Officer in the proper Folio of the Record: Provided always that such Deed or Instrument, and the Estate and Right created thereby, shall not be deemed to

When Deed
 signed, &c.,
 the Interest
 thereunder
 to be deemed
 recorded,
 and an
 Official Note
 to be made.

25 & 26 Vict.
 c. 53. s. 76.

have been entered on the Record so as to affect any Land, Lease, or Charge comprised in any such "Special Land Certificate" as herein-before mentioned until after the Expiration of the Time herein-before limited for the Entry of any Deed, Act, or Transaction affecting such Land or Charge.

5

Vesting
Orders may
be made, as
under the
Trustee
Acts.

25 & 26 Vict.
c. 53. s. 95.
and 21 & 22
Vict. c. 72.
s. 66.

31. For the Purpose of authorizing or of compelling a Transfer to be made of any recorded Estate or Charge or any Part thereof, the Court or a Judge may make such Orders and give such Directions as to the Appointment, Removal, or Change of Trustees, or as to the vesting in them or in any other Person of any Land or Charge, as the Lord High Chancellor is empowered to make or give under "The Trustee Act, 1850," or any Act amending or extending the same.

Power to
recorded
Owner of
closing the
Record, and
remitting
his Estate to
the Opera-
tion of the
old Law
relating to
the Registry
of Deeds,
&c. in Ire-
land.

32. The Owner of any recorded Estate may at any Time by a Requisition under his Hand, and with the Consent of all Persons who may appear to be interested as having Charges or otherwise, and whose Consent shall be deemed necessary, require the Record to be closed, and on such Requisition and Consent being examined and found to be sufficient a Memorial of the closing of the Record shall be prepared, specifying the Ownership and full Description of the Lands, which Memorial shall be signed by the Officer and by the said Owner, and shall be forthwith handed to the Registrar of the Registry of Deeds in Ireland; and such Registrar is hereby authorized and directed to file such Memorial, when duly verified, in the same Way as Memorials of Deeds, and shall receive such Fees thereon as now chargeable for Memorials of Deeds, and the said Registrar shall duly enter in the Registry the Name of the said Owner and the Description of the Lands, and shall make the usual Return on any Requisition as with regard to Memorials of Deeds. Such Memorial, when registered, shall be conclusive Evidence of the several Matters therein contained. After the Registration of such Memorial the Record shall be deemed to be closed as to such Estate, but shall for all Purposes be deemed to have conferred an indefeasible Title upon the Person last therein described as Owner (subject as therein, and as in this Act, is excepted).

Jurisdiction
of the Court
declared in
Cases of
actual
Fraud.

33. Notwithstanding anything contained in this Act, the Landed Estates Court shall have the same Jurisdiction that Courts of Equity now have on the Ground of actual Fraud, and it may alter or amend the Record on such Terms as may be just.

40

Devisee of
deceased
recorded

34. On the Death of the recorded Owner of any Real Estate, any Person claiming as Devisee may apply to the Judge for a Fiat directing

directing the Officer to record the Applicant as Owner, in the Place of the deceased Person; but the Judge may withhold such Fiat until the Applicant shall have obtained an Order or Decision or Certificate from Her Majesty's Court of Probate in his Favour, and shall have lodged in the Office the Probate or a true Copy of the Will or Codicil under which he claims and no Transfer or Disposition by any such Devisee shall be recorded; except after the Service of such Notice on the Heir-at-Law and Executors (if any) as the Judge shall deem necessary.

Owner may apply to be recorded as Owner.
Notice to be given to Heir, &c.
25 & 26 Vict. c. 53. s. 79.

10 **35.** On the Death of the recorded Owner of Real Estate, any Person claiming as Heir-at-Law may apply to the Judge for a Fiat directing the Officer to record the Applicant: If there shall be any Doubt, Dispute, or Litigation touching the Ownership of the Estate of a deceased Owner, the Court may appoint a Person to be recorded
15 in his Place as the Representative of such Estate, and shall give Directions to such Representative from Time to Time touching the Management and Letting of the Estate; and all Acts of such Representative in pursuance of the Directions of the Court shall be valid and binding on all Parties interested in the Estate.

Heir-at-Law of deceased Owner may apply to be recorded.
Court may appoint a Representative of Estate of a deceased Owner.
25 & 26 Vict. c. 53. s. 78.
Powers of the Representative.

20 **36.** On the Death of the recorded Owner of a Chattel Interest in or of a Charge affecting Land, his personal Representative may apply to be recorded in the Place of the deceased Person.

Personal Representative may be recorded.

37. On the Bankruptcy or Insolvency of any recorded Owner, the Assignee or Assignees of his Estate shall be entitled to be
25 recorded in his Place. On the Marriage of any Female Owner of a recorded Estate or Charge her Husband may apply to be recorded as Co-proprietor in right of his Wife.

Assignees of Bankrupt, &c. Owner may be recorded.
25 & 26 Vict. c. 53. s. 80.
Marriage may be recorded.

Power to record Estates and Interests under Settlements.

38. Upon the Application of any Person claiming under any
30 Settlement of a recorded Estate a Judge may make an Order directing the Officer to record separately any vested Estate under the Settlement, either in possession, or in remainder after the dropping of a Life or Lives, which can be aliened by the Owner thereof without the Consent of any other Person, and which is not liable
35 to be defeated or affected at Law or in Equity by the Act of any other Person or by any other Contingency. Upon any such Application the Judge shall ascertain whether any Power of Sale or Exchange or Power of charging exists with respect to such Estate, and if so the Record shall be qualified by stating the Existence of such
40 Power; the Judge may also direct the Officer to record separately

The Judge may direct Estates and Interests under Settlements to be separately recorded.

any vested and ascertained Charge or Incumbrance under the Settlement.

Interests, &c.
separately
recorded to
be recorded
Estates or
Charges.

39. Any Estate, Interest, or Charge under a Settlement, when separately recorded, shall be, for the Purposes of this Act, and shall be deemed to be, a "recorded Estate" or a "recorded Charge," 5 and a separate Folio or Division (as the Case may be) of the Record shall be opened therefor, and a separate Certificate issued to the Person entitled.

Interests, &c.
may be re-
corded by
Reference.
No Appeal
to lie if the
Judge de-
clines to
record
separately.

40. On any Application to record separately any Estate, Interest, or Charge under a Settlement, the Judge may decline to have the 10 same separately recorded, or he may (at his Option) direct that the same be recorded by means of a Note of Reference to the whole or any Portion of the Settlement or Counterpart, or the Copy retained in Court as herein-before provided for; and no Appeal shall lie from any Decision of the Judge given under this Section. 15

Trustees
with Power
of Sale may
be recorded
as Owners,
and a Person
may be
recorded as
"consenting
Party" to
any Sale, &c.

41. Trustees with a Power of Sale may be recorded as Joint Owners, and any Tenant for Life or other Person may by their Consent, or by Direction of a Judge, be entered as a "consenting Party," and without the Consent of the Person so inscribed as last aforesaid no Transfer or Disposition shall be made: Provided 20 always, that the Judge shall have full Power (after such Inquiries and Notices as it shall deem just) to direct the Name of any Person to be removed as a "consenting Party," and to direct the Name of any other Person to be inserted in lieu thereof; and any Person interested in preventing any Sale or Disposition by such 25 Joint Owners may lodge a Caveat with the Officer in manner herein-after mentioned.

Judgments and other Claims on recorded Estates.

No Judg-
ment, Crown
Bonds, Lis
pendens,
&c. to affect
recorded
Land, unless
duly entered
on the
Record.

Judgments
need not be
registered
by Affidavit.

42. No Judgment, Recognizance, **Crown Bond**, Lis pendens, Acceptance of Office, Inquisition, Decree, or Order shall be a 30 Charge upon recorded Land, or in any Manner affect the same, unless and until a Memorandum of the same, in such Form and with such Verification or other Evidence as the Court may by General Rule direct, shall be lodged with the Officer; and the Officer shall, on such Memorandum being lodged, and such 35 Information given as will enable him to identify the Land sought to be charged, make an Official Note thereof on the Record. It shall not be necessary to register or file any Affidavit in the Registry of Deeds Office for the Purpose of making a Judgment a Charge on recorded Land. 40

43. Judg-

43. Judgments, Recognizances, **Crown Bonds**, Lis pendens, Judgments, Acceptances, and Inquisitions, Decrees, and Orders, entered on the Record by the Lodgment of a verified Memorandum, and the Entry of an Official Note as aforesaid, shall be re-entered before the End of every Five Years from the Entry thereof, by the like Means; and no Judgment, Recognizance, **Crown Bond**, Lis, Acceptance, Inquisition, Decree, or Order shall be of any Force or Effect as against a Purchaser for valuable Consideration, or Mortgagee of a recorded Estate, unless the same shall have been entered or re-entered on the Record within Five Years previous to the Date of the recording of his Purchase or Mortgage; and no such Purchaser or Mortgagee shall be affected by Notice, express or implied, of any Judgment, Recognizance, **Crown Bond**, Lis, Acceptance, Inquisition, Decree, or Order.

Judgments, Recognizances, &c. to be re-entered before Five Years.
If not so re-entered they shall not affect Purchasers for valuable Consideration.

44. Whenever Payment is made of any Part of the Principal Money due on a recorded Charge or Incumbrance, the Officer may, on Production of a Receipt signed by the recorded Owner of the Charge and duly verified, make an Official Note thereof, on the Record. Unless and until such Note be made the entire Principal Sum expressed to be due shall, on the Occasion of any Transfer for valuable Consideration, be considered as due. Interest on the Principal Sum since the last Gale Day shall be considered as due, unless the Fact of the Payment of such Interest be recorded. If in any Instrument of Transfer any further Interest be expressed to be due, such Transfer of Arrears of Interest shall be valid only to the Extent to which such Interest shall be actually due and recoverable from the Land. On the Application of any recorded Owner or Incumbrancer, and on finding that any Charge, Incumbrance, or Claim upon a recorded Estate has been paid off or satisfied, the Officer may make an Entry of the Fact on the Record, and no Release or Re-conveyance shall in that Case be necessary.

Part Payment of Charge to be noted.
Interest from the last Gale Day only shall be deemed to be due on the Occasion of a Transfer.
No Release necessary where the Payment of a Charge is noted.

45. Whenever any recorded Land or Lease shall be sold by the Sheriff under any Writ, or shall be sold under any Direction, Decree, or Order of any competent Court, the Officer, on Production to him of the Conveyance or Assignment, and of an Office Copy of the Writ, Direction, Decree, or Order, may record the Purchaser as Owner of such Land or Lease.

Sale by Sheriff of any recorded Land or Lease to be noted.

Caveats against Transfer, &c.

46. Any Person interested in any Land, Lease, or Charge recorded in the Name of any other Person may lodge a Caveat with the Officer, which Caveat shall be in such Form and shall be verified and noted on the Record in such Manner as the Court shall by

Power to any Person interested to lodge a Caveat prohibiting

dealing with
Land, &c.
25 & 26 Vict.
c. 53. ss. 96,
97, 40.

General Rule direct. A Caveat shall remain in force for a Period of Twenty-one Days from the Date thereof if the Court shall be then sitting, or if the Court shall not be sitting then for Twenty-one Days from the next Sitting of the Court. Any Transfer or other Disposition recorded during such Period shall, unless a Judge shall 5 otherwise direct, be made expressly subject to the Title and Claim (if any) of the Cautioner.

Caveat to
cease unless
extended.
Power to a
Judge to
extend the
Operation of
a Caveat.
25 & 26 Vict.
c. 53. ss. 96,
99, 100.

47. After the Expiration of such Period the Caveat shall cease, and the Officer shall cancel any Note thereof on the Record, unless a Fiat continuing it be made by a Judge; and upon the Caveat so 10 ceasing the Land, Lease, or Charge shall be dealt with in the same Manner as if no Caveat had been lodged. If before the Expiration of the said Period the Cautioner or his Solicitor appears before a Judge, and gives such Undertaking or Security, or lodges such Sum in Court as such Judge may consider sufficient to indemnify every 15 Person against any Damage that may be sustained by reason of any Disposition of the Property being delayed, then and in such Case such Judge may direct the Officer to delay recording any Dealing with the Land, Lease, or Charge for a further Period, to be specified in such Order, or make such other Order as may be just. If any 20 Caveat be lodged without reasonable Cause, such Judge may order Payment by the Cautioner of such Sum by way of Compensation or Costs as he may deem just.

In certain
Cases a Note
to be made
on Certificate
as to Dispo-
sition of
Land.

48. Where Two or more Persons are recorded as Owners of any Estate or Charge, a Note may, with their Consent or by Direction 25 of the Judge, be made by the Officer on the Record, to the Effect that when the Number of such Owners is reduced below a specified Number, no Disposition of such Land or Charge shall be made by the Survivors unless the Judge shall otherwise direct; and such Note shall appear on every Copy or Certificate issued by the Officer. 30

Leases and Demises of recorded Land.

Mode of
leasing or
demising
recorded
Land.

49. Whenever recorded Land is intended to be leased or demised, the Lease and a Counterpart thereof, after being executed by the recorded Owner, and attested, may be brought to the Officer, who shall make an Official Note of the Terms of such Lease in the proper 35 Folio of the Record, and shall mark or indorse on such Lease and Counterpart a Note that they have been recorded. A Lease granted by any Person having Power to lease, but not being the recorded Owner, may, on the Fiat of the Judge, be noted on the Record in like Manner. On the Application of the Lessee, and after Notice to 40 the recorded Owner, any such Lease may be entered in a Subdivision or Chapter of the said Folio, and such Lease shall in that Case be deemed

- deemed to be a "recorded Estate," within the Meaning of this Act: Provided always, that if the Lessor's Interest shall be subject to any recorded Charge, either the Consent of the Person appearing entitled to such Charge shall be obtained before a Lease or Demise of
- 5 recorded Land shall be noted or entered on the Record, or, if such Consent be not obtained, the Officer shall enter a Note to the Effect that the granting or recording of such Lease is "without Prejudice to the Title and Claim" of the Person entitled to such Charge; and the Interest of the Lessee shall remain subject to such Qualification
- 10 as last aforesaid, but the Officer may at any Time, on such Consent being obtained, and proved to his Satisfaction, cancel such Qualification, and thereupon the Title of the Lessee shall become indefeasible, subject only to the Reservations, Clauses, and Covenants contained in the Lease: Provided also, that any Tenancy or Lease
- 15 lawfully made at a Rackrent without Fine for a Term not exceeding Thirty-one Years, and under which the Tenant is in possession, shall be valid for all Purposes, although not entered or recorded under this Act.
- Consent of any Person entitled to a Charge to be obtained, otherwise the Rights of such Person to be expressly reserved.
- Certain Leases excepted from Operation of the Act.

50. On the recording, pursuant to this Act, of any Land held
- 20 under Lease, the indefeasible Title shall not extend to the Title of any Lessor or Grantor under whom the same is held, unless the Court, having investigated the Title of such Lessor or Grantor, shall direct an Official Note to be entered to the Effect that the Title of such Lessor or Grantor is guaranteed, and in such Case the Validity
- 25 of such Lease shall not afterwards be impeached on the Ground of any Want of Power or Title in the said Lessor or Grantor to make the same, or by reason of any Clause, Condition, or Covenant in the same, or by reason of the same not having been duly registered.
- Title of Lessor in Lease not to be indefeasible unless the Court shall direct a Note to be entered to that Effect.

Land heretofore conveyed, &c. may be brought upon the Record.

- 30 51. Any Person who has heretofore obtained a Conveyance from the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, or has obtained or may hereafter obtain a Conveyance or Declaration of Title from the Landed Estates Court, may apply in a summary Manner, without Petition, to the Court, to be recorded as
- 35 Owner, pursuant to this Act; and on producing such Conveyance or an Office Copy of such Declaration, and on furnishing such Search or other Evidence of Title, and after the Publication of such Advertisement as the Court may direct, such Person may, if the Court think fit, be recorded as Owner of the whole or Part of the Land
- 40 or Lease comprised in such Conveyance or Declaration, and such Land or Lease, or Part thereof, shall thereupon become a recorded Estate within the Meaning of this Act: Provided always, that an Interval of Two Calendar Months shall elapse between such First
- Power in certain Cases to record Land although an Interval has elapsed since such Land was the Subject of a Conveyance or Declaration by the Court.

Application and the final recording of the Title as aforesaid; and that the Officer may, if he think fit, require a new Survey of the Land to be made, and a new Map, for the Purpose of Entry on the Record.

General Provisions, Practice of the Office, Rules, Forms, Fees, &c. 5

Officer not to be restrained by Injunction, &c.

21 & 22 Vict. c. 72. s. 86.

52. No Act, Entry, or Proceeding under this Act shall be restrained nor shall the Officer be restrained by Order or Injunction of a Court of Equity or by Writ of Prohibition; nor shall the Officer be required by Writ of Mandamus to do any Act, or make any Official Note or Entry under this Act; nor shall the Record or any Book or Document be liable to be removed from the Office under any Writ or Process of any other Court, unless a Judge shall so direct. 10

Indemnity for Acts done bonâ fide.

53. The Judge shall not, nor shall the Officer or any Person acting under the Authority of either of them, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter bonâ fide done or omitted in the Exercise or supposed Exercise of the Powers of this Act. 15

Days and Hours when the Office shall be open for Business.

54. The "Record of Title Office" of the Court shall be open for Business on every Day of the Year, except the following Days; viz., Sundays, Christmas Day, New Year's Day, Good Friday, Easter Monday, and Whit Monday, and any Day duly appointed to be kept as a Day of General Fast or Thanksgiving. The said Office shall be open during such Hours, and such Officer and Clerks shall attend therein, as the Court shall from Time to Time direct. 20 25

General Rules to be made and approved of, and submitted to Parliament.

55. The Judges shall, on or before the First Day of November next, frame a Code of General Rules and of Forms for carrying out the Objects of this Act. Such General Rules shall further provide for the Sale, Transfer, Partition, and Exchange of "recorded Estates" by the Court in a summary Way. Such Rules and Forms shall be submitted to the Lord Chancellor of Ireland, and approved of by him, before they shall be binding, and when made and approved of as aforesaid they shall be laid before Parliament forthwith, if Parliament is sitting, or if not within Fourteen Days after the next Sitting of Parliament; and such Rules and Forms may from Time to Time be added to, rescinded, or altered by the like Authorities respectively; and all such Rules shall take effect as General Rules of the Court. 30 35

56. A Seal

56. A Seal shall be prepared for the Record of Title Office of the Court, and shall be kept in the Custody of the Officer, and all Certificates and other Documents purporting to be sealed with such Seal shall be admissible as Evidence, without further Proof.

Seal of
Record of
Title Office.
25 & 26 Vict.
c. 53. s. 123.

57. If in any Proceeding to obtain the recording of any Land, or to obtain any Certificate, or otherwise in any Transaction relating to Land which is or is proposed to be put upon the Record, any Person acting either as Principal or Agent shall, knowingly and with Intent to deceive, make or assist, or join in or be privy to the making, of any material false Statement or Representation, or suppress, conceal, or assist or join in or be privy to the suppressing, withholding, or concealing, from any Judge, or the Officer, or any Person assisting the Officer, any material Document, Fact, or Matter of Information, every Person so acting shall be deemed to be guilty of a Misdemeanor, and on Conviction shall be liable to be imprisoned for a Term not exceeding Three Years, and either with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall award. The Act or Thing done or obtained by means of such Fraud or Falsehood shall be null and void to all Intents and Purposes, except as against a Purchaser for valuable Consideration without Notice.

Person
making false
Statement,
guilty of Mis-
demeanor.
25 & 26 Vict.
c. 53. s. 105.

58. No Proceeding or Conviction for any Act hereby declared to be a Misdemeanor shall affect any Remedy which any Person aggrieved by such Act may be entitled to, either at Law or in Equity, against the Person who has committed such Act.

As to
Persons
aggrieved
by proceed-
ing, &c. for
any Act de-
clared a Mis-
demeanor.
25 & 26 Vict.
c. 53. s. 106.

59. Nothing in this Act contained shall entitle any Person to refuse to make a complete Discovery by Answer or otherwise to any Bill or Petition in Equity, or to answer any Question or Interrogatory in any Civil Proceeding in any Court of Law or Equity, or in the Court of Bankruptcy; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Criminal Proceeding.

Answers to
Questions,
&c. not ad-
missible in
Evidence.
25 & 26 Vict.
c. 53. s. 107.

60. Where any married Woman is desirous of making any Application, giving any Consent, or doing any Act, or becoming Party to any Proceeding under this Act, her Husband's Concurrence shall be required, and she shall be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application or other Act, and it shall be ascertained that she is acting freely and voluntarily, and such Examination may be taken by the Judge. A married Woman entitled to her separate Use, and not restrained from Anticipation, shall, for the Purposes of this Act, be deemed a Feme Sole.

Provisions
as to Ap-
plications
made by
married
Women.
25 & 26 Vict.
c. 53. s. 115.

Provision
for other
Persons
under Dis-
ability.

25 & 26 Vict.
c. 53. s. 116.
and 21 & 22
Vict. c. 72.
s. 73.

61. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively of such Person may, with the Assent of a Judge, make such Appli- 5 cations, give such Consents, do such Acts, and be Party to such Proceedings as such Person respectively if free from Disability might have made, given, done, or been Party to, and shall otherwise, with such Assent as aforesaid, represent such Person for the Pur- poses of this Act. Where there is no Guardian or Committee of the 10 Estate of any such Person as aforesaid, being infant, idiot, or lunatic, or where any Person, the Committee of whose Estates if he were idiot or lunatic would be authorized to act for and represent such Person under this Act is of unsound Mind or incapable of managing his Affairs, but has not been found idiot 15 or lunatic under an Inquisition, it shall be lawful for a Judge to appoint a Guardian of such Person for the Purpose of any Proceed- ings under this Act, and from Time to Time to change such Guardian; and where a Judge sees fit he may appoint a Person to act as the next Friend of a married Woman for the Purpose of any 20 Proceeding under this Act, and from Time to Time remove or change such next Friend.

Record to
be managed
by certain
Officers of
the Court.

Arrange-
ments to be
made for
constant At-
tendance.

Power to
appoint Two
Clerks to
assist in the
Office.

62. The Record shall be under the Management of the following principal Officers of the Landed Estates Court; viz., the Examiners and the Registrar, or of such One of them as the Court shall from Time 25 to Time direct, and in case of his Absence the Court shall appoint One other of the said Officers to supply his Place; and the Court shall adjust the Duties now performed by the said Officers in such Manner as may appear expedient for the Purposes aforesaid, and shall so arrange the same that some One of the said Officers shall be 30 in attendance daily (except as aforesaid) throughout the Year; and there shall be paid to such Officers or any of them such Sum by way of increased annual Salary as the Commissioners of Her Majesty's Treasury shall approve, on the Recommendation of the said Judges. The Judges may, with the Consent of the said Commis- 35 sioners, appoint Two additional Clerks to assist in carrying out this Act, and there shall be paid to such Clerks such Salaries as the Judges, with the Assent of the said Commissioners, shall appoint; and such Clerks shall be subject to the same Regulations, and shall hold their Offices on the same Conditions, and shall be paid out of the 40 same Funds, and in the same Manner, as the other Clerks of the Court; and all other Expenses of carrying out this Act shall be paid out of such Monies as shall be provided by Parliament.

63. All

63. All Applications to the Judge under this Act shall be made in Chamber, and such Judge may direct any Matter before him to be argued in Court. Any Order or Decision or Direction of the Judge, excepting a Decision or Direction given under the Fortieth Section of this Act, shall be subject to the like Appeal to the Court of Chancery Appeal in Ireland, and thence to the House of Lords, as is provided by the said recited Act of the Twenty-first and Twenty-second Years of the Reign of Her Majesty.

Practice before the Judge, and Right of Appeal.
25 & 26 Vict. c. 53. s. 134.

64. A Place of Address in Ireland shall be entered in a Book to be kept for that Purpose in the Court for every Person whose Name is entered on the Record as Owner of Land or of a Charge, or as a Cautioner, or as entitled to receive any Notice; or any such Person may, at his Option, give from Time to Time the Name and Address of any Solicitor of the Court to act on his Behalf. Notices shall be deemed sufficiently served if sent through the Notice Office of the Court, or by registered Post Letter to such Address as aforesaid.

Address of recorded Owners, &c. to be given for the Purpose of serving Notices.
25 & 26 Vict. c. 53. s. 124.

65. The Judges of the Court may frame a Scale of Costs to be paid to Solicitors or certificated Conveyancers in respect of any Service rendered by them in relation to any recorded Estate or Charge, or any Matter connected therewith. Such Scale shall be framed with regard to the Skill and Trouble involved and the Amount of Property affected, and not with regard to the Length of the Documents prepared. Such Scale shall be submitted to the Lord Chancellor of Ireland, and shall be approved of by him before it shall be binding, and with the like Approval it may be varied. Such Scale shall be acted on by all Persons having by Law or by Consent of Parties Authority to tax or moderate Costs.

A Scale of Costs may be framed for professional Services in regard to recorded Land.
25 & 26 Vict. c. 53. s. 131.

66. The Forms contained in the First Schedule hereto may be used; but they may be modified or altered to suit the Circumstances of every Case, and Deeds made in such altered Forms shall be equally valid and effectual.

Forms in Schedule to be used, but may be varied if necessary.
25 & 26 Vict. c. 53. s. 67.

67. On the Second of November of each Year after this Act shall come into operation the Judges shall furnish to Her Majesty's Secretary of State for the Home Department a Return showing the Number of Estates recorded under the Act during the Year, distinguishing those which are brought in and recorded under the Fifty-first Section of this Act, and distinguishing Estates and Interests under Settlements separately recorded as aforesaid; and the Return shall also show the Amount of Fees received during the Year pursuant to this Act.

Return of Business done, to be sent in annually by the Judges.

Stamp Duty
on Powers of
Attorney.

Every Power of Attorney purporting to be given pursuant to this Act to any Person for the Purpose of transferring, mortgaging, or otherwise dealing with any recorded Estate or Charge, and which shall relate to no other Transaction, shall be liable to a Stamp Duty of Ten Shillings, and no more.

5

Rules with
regard to
the Collec-
tion of Fees.
25 & 26 Vict.
c. 53. ss. 129.
and 130.

The Fees mentioned in the Second Schedule hereto shall be demanded and taken, and no others. The Commissioners of Her Majesty's Treasury may from Time to Time lower or raise such Fees or any of them, within the Limit of the Rates hereby fixed as a Maximum, as they may deem sufficient to provide for the extra Expenses caused by this Act. The following Rules shall be observed with respect to the Collection of Fees:

10

1. All Fees payable shall be received by Stamps denoting the Amount of Fees payable, and not in Money :
2. When any Fee is payable in respect of a Document, a Stamp denoting the Amount of Fee shall be affixed to such Document :
3. The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies hereby directed to be paid by Stamps.

20

Stamp Acts
applied to
Stamps
under this
Act.

The several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to any Document on which such Stamps may be impressed, and to collecting and securing the Sums of Money denoted by Stamps, and to preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully as if such Provisions had been herein repeated and specially enacted with reference to the last-mentioned Stamps and Sums of Money respectively.

25
30

No. 1.—FORM OF TRANSFER OF RECORDED LAND.

10 Signed and sealed at the Record
of Title Office, Landed Estates
Court, Ireland, in my Presence,
E.F. of a Solicitor of
the Court.

Signature,
(Seal.)

I hereby accept the above Transfer.

15 Signature,
Address,

I *A.B.*, the recorded Owner of the under-mentioned Land, pursuant to the
 "Record of Title Act, Ireland, 1865," in consideration of £ Sterling
 lent to me by *G.H.* of , do charge in favour of the said *G.H.* the
 20 Hereditaments described in the Schedule hereto with the Principal Sum of
 £ repayable on the Day of , together with Interest
 thereon at the Rate of per Cent. [reducible to if paid within a
 Month after due], and payable half-yearly, every and . Dated
 this Day of .

25	<i>Witness, &c.,</i> <i>as above.</i>	}	<i>Signature,</i> (Seal.) I hereby accept the above Charge. <i>Signature and Address,</i>
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Schedule above referred to.

30 N.B.—This Form may be adapted to the Case of an Annuity charged
on Land.

I, the within-named *G.H.*, the recorded Owner of a Charge under the
 "Record of Title Act, Ireland, 1865," in consideration of £ Sterling
 35 paid to me by *J.K.* of , do transfer to the said *J.K.* the [within
 [151.] C 3 mentioned]

mentioned] Charge, on which £ now remains due [together with Interest from the last Gale Day of Interest].

Witness, &c. }

Signature,

(Seal.)

as above. }

I hereby accept the above Transfer. 5

Signature and Address,

No. 4.—FORM OF POWER OF ATTORNEY TO TRANSFER.

I *A.B.*, the recorded Owner of Land [*or a Charge*] pursuant to the "Record of Title Act, Ireland, 1865," do hereby appoint *L.M.* of &c., Solicitor, my Attorney, for the Purpose of [transferring to *S.T.* of &c., absolutely] all my Hereditaments, as entered and described in the Record of Title, under Folio [Tyrone, No. 129], and my Estate therein [*or my Charge, describing it*]. 10

Signature,

Witness, &c.

(Seal.)

15

SECOND SCHEDULE.

Fees authorized to be taken, all of which shall be collected by Stamps affixed on such Documents as the Officer shall direct.

N.B.—No Fees shall be payable in respect of the first recording of any Conveyance or Declaration hereafter made by the Court. 20

On recording any Transfer of a recorded Estate, or any Charge	£	s.	d.	
or Transfer of Charge, where the Amount or estimated Value of such Estate or Charge does not exceed 1,000l.	0	10	0	
And for every further Sum of 1,000l. or fractional Part thereof	0	5	0	25
On Application to be recorded under Section Fifty-one [And on recording an Estate under that Section, the same ad valorem Fee as above mentioned.]	1	0	0	
On recording any Transmission of the Estate or Charge of a recorded Owner deceased to his Heir-at-Law, Devisee, or Personal Representative	0	10	0	30
On every Deed or Instrument not in Statutory Form, of which an Original or Copy shall be retained in Court	0	5	0	
On recording any Judgment, Recognizance, Crown Bond, or Lis, or any Decree, Direction, or Order of any Court or Judge, and generally on noting any Deed, Instrument, or Fact material to the Title, and not before provided for	0	5	0	35
[If any Document or Fact is required to be entered under several Folios or Chapters, several Fees will be payable.]				40
On opening a new Folio or Chapter in the Record, and in relation to an Estate or a Charge	0	10	0	
On				

	On issuing a Land Certificate (after the first recording of the Estate), if the Value do not exceed 1,000 <i>l.</i> - - -	£	s.	d.
		0	10	0
	And for every further 1,000 <i>l.</i> or fractional Part thereof -	0	5	0
5	For every Certificate of Charge, and for every special Land Certificate, the same Fee as last above mentioned.			
	On entering any Certificate of recording on a Duplicate Instrument of Title, and on re-sealing and re-signing any Certificate - - - - -	0	5	0
	On entering any Caveat - - - - -	0	10	0
10	On Cancellation of any Folio, Chapter, Entry, or Official Note (except of a Caveat) - - - - -	0	5	0
	On closing the Record, at the Owner's Request - - -	1	0	0
	On every Search or Inspection of the Record, when duly authorized - - - - -	0	2	6
15	On every Notice under the Seal of the Office - - -	0	1	0

N.B.—In addition to the foregoing, the Sum of Threepence for every Folio of Seventy-two Words may be charged in respect of Copies of or Extracts from the Record or any Document actually required and taken by any Person (when permitted); and the Officer is further authorized to charge any

20 Sum actually payable (according to an authorized Scale) to any Surveyor, Printer, or Scrivener, for Services or Work necessarily done with regard to any Map, Certificate, or Transcription, under this Act.

Record of Title (Ireland).

A

B I L L

INTITULED

An Act for the recording of Titles to
Land in Ireland.

(*Brought from the Lords 15 May 1865.*)

*Ordered, by The House of Commons, to be Printed,
17 May 1865.*

[Bill 151.]

Under 3 oz.

Record of Title (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Short Title and Extent of Act ; 1.

Construction of Terms ; 2.

Record of Title to be established of Land which has been the Subject of Conveyance or Declaration by the Landed Estates Court.

Record of Title to be established under Control of the Landed Estates Court ; 3.

Any Conveyance from the Court may be recorded under this Act ; 4.

Extension of the Powers of the Court as to granting Declarations of Title ; 5.

Every Declaration of Title may be recorded, and need not be registered in the Deeds Registry ; 6.

Any Person obtaining a Conveyance or Declaration may decline to have his Title recorded under this Act ; 7.

Conveyances and Declarations when recorded to be entered, each to form, with subsequent Entries, a Folio ; 8.

Duplicates of Conveyances or Declarations may be issued ; 9.

Books of Record not to be inspected without Leave ; 10.

Questions arising on the Record to be disposed of by a Judge, who may decide or deal with the same as may seem right ; 11.

Recorded Owners to be entitled to the Estates mentioned on the Record, free from all other Claims ; 12.

Informality not to prejudice Entry in Record of Title ; 13.

Every Charge, &c. to be entered in Record of Title ; 14.

Estates of Proprietors subject to existing Law ; 15.

Acts relating to Registry of Deeds not to apply to recorded Land ; 16.

Power to amend the Record on Fiat of a Judge, and the like Amendment to be made in Land Certificate. Power to order a Certificate to be brought in to be amended, or a new one substituted ; 17.

[Bill 217.]

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As

As to Land Certificates and Certificates of Charges.

Officer to deliver Land Certificates. Certificates of Charge to be also issued ; 18.

Officer to compare Certificate with the Record ; 19.

Recorded Owner desirous of selling, &c. may obtain special Land Certificate ; 20.

Certificate to be Evidence, and may be deposited as Security ; 21.

Power of subdividing Land or Charge, and of obtaining new Certificates ; 22.

Procedure on Transfer of Part of an Estate ; 23.

Apportionments may be made and Surveys directed for the Purposes of Subdivision ; 24.

On Proof of Loss, &c. of Certificate, a new one may be given ; 25.

Transfer and Transmission of recorded Estates and Charges.

Modes by which recorded Estates and Charges may be dealt with ; 26.

Attendance of Parties at the Office to transfer or deal with recorded Land, &c. ; 27.

Transfer, &c. may be by the Statutory Forms, which shall be effectual ; 28.

Other Deeds may be recorded on Evidence of due Execution. Originals or Copies to be retained in Court ; 29.

When Deed signed, &c. the Interest thereunder to be deemed recorded, and an Official Note to be made ; 30.

Vesting Orders may be made, as under the Trustee Acts ; 31.

Power to recorded Owner of closing the Record and remitting his Estate to the Operation of the old Law relating to the Registry of Deeds, &c. in Ireland ; 32.

Jurisdiction of the Court declared in Cases of actual Fraud ; 33.

Devisee of deceased recorded Owner may apply to be recorded as Owner. Notice to be given to Heir, &c. ; 34.

Heir-at-Law of deceased Owner may apply to be recorded. Court may appoint a Representative of Estate of a deceased Owner. Powers of the Representative ; 35.

Personal Representative may be recorded ; 36.

Assignees of Bankrupt, &c. Owner may be recorded. Marriage may be recorded ; 37.

Power to record Estates and Interests under Settlements.

The Judge may direct Estates and Interests under Settlements to be separately recorded ; 38.

Interests,

Interests, &c. separately recorded to be recorded Estates or Charges; 39.

Interest, &c. may be recorded by Reference. No Appeal to lie if the Judge declines to record separately; 40.

Trustees with Power of Sale may be recorded as Owners, and a Person may be recorded as "consenting Party" to any Sale, &c.; 41.

Judgments and other Claims on recorded Estates.

No Judgment, Crown Bond, Lis pendens, &c. to affect recorded Land, unless duly entered on the Record. Judgments need not be registered by Affidavit; 42.

Judgments, Recognizances, &c. to be re-entered before Five Years. If not so re-entered, they shall not affect Purchasers for valuable Consideration; 43.

Part Payment of Charge to be noted. Interest from the last Gale Day only shall be deemed to be due on the Occasion of a Transfer. No Release necessary where the Payment of a Charge is noted; 44.

Sale by Sheriff of any recorded Land or Lease to be noted; 45.

Caveats against Transfer, &c.

Power to any Person interested to lodge a Caveat prohibiting dealing with Land, &c.; 46.

Caveat to cease unless extended. Power to a Judge to extend the Operation of a Caveat; 47.

In certain Cases a Note to be made on Certificate as to Disposition of Land; 48.

Leases and Demises of recorded Land.

Mode of leasing or demising recorded Land. Consent of any Person entitled to a Charge to be obtained, otherwise the Rights of such Person to be expressly reserved. Certain Leases excepted from Operation of the Act; 49.

Title of Lessor in Lease not to be indefeasible unless the Court shall direct a Note to be entered to that Effect; 50.

Land heretofore conveyed, &c. may be brought upon the Record.

Power in certain Cases to record Land, although an Interval has elapsed since such Land was the Subject of a Conveyance or Declaration by the Court; 51.

General Provisions, Practice of the Office, Rules, Forms, Fees, &c.

Officer not to be restrained by Injunction, &c. ; 52.

Indemnity for Acts done bonâ fide ; 53.

Days and Hours when the Office shall be opened for Business ; 54.

General Rules to be made and approved of, and submitted to Parliament ; 55.

Seal of Record of Title Office ; 56.

Person making false Statement guilty of Misdemeanor ; 57.

As to Persons aggrieved by Proceeding, &c. for any Act declared a Misdemeanor ; 58.

Answers to Questions, &c. not admissible in Evidence ; 59.

Provisions as to Applications made by married Women ; 60.

Provision for other Persons under Disability ; 61.

Record to be managed by certain Officers of the Court. Arrangements to be made for constant Attendance. Power to appoint additional Clerks to assist in the Office ; 62.

Practice before the Judge and Right of Appeal ; 63.

Address of recorded Owners, &c. to be given for the Purpose of serving Notices ; 64.

A Scale of Costs may be framed for Professional Services in regard to recorded Land ; 65.

Forms in Schedule to be used, but may be varied if necessary ; 66.

Return of Business done to be sent in annually by the Judges ; 67.

Judges to frame a Schedule of Fees ; 68.

Rules with regard to the Collection of Fees ; 69.

Stamp Acts applied to Stamps under this Act ; 70.

SCHEDULE.



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for the recording of Titles to Land in Ireland.

WHEREAS it is expedient that Titles conferred by the Preamble.
Landed Estates Court, Ireland, should be kept free from
Complication, so that subsequent Dealings with the
Estates held under such Titles may be more simple and economical :

5 Be it enacted by the Queen's most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the
Authority of the same, as follows :

1. This Act may be cited for all Purposes as " The Record of Short Title
10 Title Act (Ireland), 1865 ;" it shall apply to Ireland only, and shall and Extent
come into operation on the Second Day of November One thousand of Act.
eight hundred and sixty-five.

2. In the Construction of this Act (except where the Context Construction
or other Provisions of this Act require a different Construction)— of Terms.

15 The Word " Judge " shall mean One of the Judges of the
Landed Estates Court, Ireland :

The Word " Court " shall mean the Landed Estates Court,
Ireland :

[Bill 217.]

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The

The Word "Officer" shall mean the Officer for the Time being of the Landed Estates Court, Ireland, whose Duty it shall be to carry out this Act, under the Direction of the said Court :

The Word "Record" shall mean the Book or Books to be provided and kept for the recording of Titles, pursuant to this 5 Act, in the Landed Estates Court :

The Word "Land" shall extend to Manors, Messuages, Advowsons, Rectories, Tithes, Lands, Tenements, and Hereditaments, and to Rents or Annuities charged upon Hereditaments, whether subject to any Fee-farm or other perpetual Rent, with 10 or without Condition of Re-entry for securing the same, or otherwise, and whether corporeal or incorporeal, and to any undivided Share thereof :

The Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by a 15 Lease or Agreement in the whole or any Part of the Land therein comprised, and shall include any Term of Years :

The Word "Owner," as applied to Land, shall include any Person entitled in possession in Fee Simple or in Tail or quasi in Tail, and any Person who has a Power of appointing 20 or disposing of the Fee, or appointing or granting in Fee Farm, and whether with or without the Consent of another Person, and any Person entitled as a Trustee for Sale or having a Power of Sale, or of granting in Fee Farm, and whether with or without Consent as aforesaid, and as applied to a Lease shall include any 25 Person entitled in possession to the Interest thereunder, or having Power to appoint or dispose thereof, and to any Person entitled thereto as a Trustee for Sale or having a Power of Sale :

The Words "Person" or "Owner" shall extend to a Body Politic or Corporate : 30

The Word "Charge" or "Incumbrance" shall include any Legacy, Portion, Lien, or other Charge whereby a Sum of Money is secured to be paid, and also any annual or periodical Charge, and also any Charge hereafter to be imposed on Land under any Public Act for promoting Drainage or Land 35 Improvement, and also every other Charge upon Land which is deemed an Incumbrance in a Court of Equity :

The Word "Certificate" or "Land Certificate" shall include the Counterpart of a Conveyance, or the Duplicate of a Judicial Declaration of Title recorded pursuant to this Act : 40

The Word "Settlement" shall include any Instrument under which any Land or Lease shall be at Law or in Equity so 45 limited as to create partial or limited Estates or Interests :

The Expression "recorded Estate" shall mean any Land or Lease the Title to which shall be recorded under the Provisions 45 of this Act.

Record of Title to be established of Land which has been the Subject of Conveyance or Declaration by the Landed Estates Court.

3. There shall be established a Record of Title, to be kept under the Control and Direction of the Landed Estates Court; and the Office in which such Record is kept shall be called "the Record of Title Office" of the said Court.

Record of Title to be established under Control of the Landed Estates Court.

4. Any Person, upon obtaining a Conveyance from the Court of any Land or Lease, or of any Interest therein, shall be entitled to have such Conveyance, entered in the Record, and on the same being so entered the Land or Lease, or Interest therein, comprised in such Conveyance, shall be and be deemed to be for the Purposes of this Act a "recorded Estate."

Any Conveyance from the Court may be recorded under this Act.

5. And whereas the Court has Power to grant a Judicial Declaration of Title to a Fee Simple Estate, and it is desirable to extend such Power: Be it therefore enacted, That, notwithstanding anything contained in an Act of the Twenty-first and Twenty-second Years of the Reign of Her Majesty, intituled "An Act to facilitate the Sale and Transfer of Land in Ireland," the Court may, on the Application of the Owner of any Land or Lease of any Tenure in Ireland, proceed to investigate his Title to the Estate or Interest or Power in respect of which he claims to be such Owner, and grant such Declaration, in the Manner directed by the said Act.

Extension of the Powers of the Court as to granting Declarations of Title.

6. Any Person, upon obtaining a Declaration of Title from the Court, shall be entitled to have such Declaration entered upon the Record, and thereupon the Land or Lease comprised therein shall be and be deemed to be a recorded Estate; and no Declaration of Title so entered upon the Record shall be registered in the Office for registering Deeds in Ireland; and it shall not be necessary to keep in the Court any other Record or Copy of any such Declaration of Title than that herein-after mentioned, anything in the said recited Act, or in any Rule or Order made pursuant thereto, notwithstanding.

Every Declaration of Title may be recorded, and need not be registered in the Deeds Registry.
21 & 22 Vict. c. 72. s. 51.

7. Any Person to whom any Conveyance or Declaration of Title shall be given by the Court may, by Requisition under his Hand, lodged in the proper Office of the Court within Seven Days after the Execution of such Conveyance or Declaration by a Judge, require that the Title so conferred shall not be recorded under this Act; and on such Requisition the Court shall deliver out such Conveyance or Declaration, and the same shall not be recorded: The Provisions of the said Act of the Twenty-first and Twenty-second Years of the Reign of Her Majesty, as to the Registration of Declarations of Title in the Office for registering Deeds, shall in that Case

Any Person obtaining a Conveyance or Declaration may decline to have his Title recorded under this Act.

take effect as though this Act had not been passed: Provided always, that any Declaration of Title made after the passing of this Act, and not recorded pursuant to this Act, may be registered in the said Office for registering Deeds at any Time within Fourteen Days after the Execution thereof by the Judge. 5

Conveyances and Declarations when recorded to be entered, each to form, with subsequent Entries, a Folio. 25 & 26 Vict. c. 53. s. 28.

8. All Conveyances and Declarations which are retained for the Purpose of being recorded under this Act shall be entered in the Book or Books forming the Record, and bound up therein, leaving Space for further Entries; and each of such Conveyances and Declarations, together with the further Entries (if any) thereunder, shall form a Division (herein-after called a Folio) of the Record, distinguished by a separate Number, or in such other Manner as the Officer may determine. 10

Duplicates of Conveyances or Declarations may be issued.

9. A Counterpart of every Conveyance and a Duplicate of every Declaration of Title, recorded as aforesaid, signed by a Judge, and under the Seal of the Court, may be issued to the Person entitled thereto; and every such Counterpart or Duplicate so issued shall be marked by the Officer with a Memorandum of the recording as aforesaid; and every such Counterpart or Duplicate so marked shall as of the Date thereof be and be deemed to be for all Purposes as effectual as a "Land Certificate" granted as herein-after mentioned, and shall for the Purposes of this Act be regarded as a Land Certificate. 15 20

Books of Record not to be inspected without Leave.

25 & 26 Vict. c. 53. ss. 15. and 137.

10. The Record shall be kept in the Office, and shall not be removed therefrom for any Purpose, unless the Court shall direct. The Record may be inspected by the recorded Owners of the Estates and Interests, or of the Mortgages and Incumbrances recorded therein respectively, or by their Solicitors or Agents. No other Person shall be permitted to inspect or to take Copies of or Extracts from the Record, unless authorized by any such Owner or by Fiat of a Judge. An Index to recorded Estates shall be made and regularly entered up; and such Index may be inspected by any Person without Payment of any Fee. 25 30

Index to be made.

Questions arising on the Record to be disposed of by a Judge, who may decide or deal with the same as may seem right. 25 & 26 Vict. c. 53. ss. 17, 18. and 92.

11. If in making up or continuing such Record of Title as aforesaid any Question shall arise as to the true Construction or legal Validity or Effect of any Deed, Will, or Instrument, or as to the Persons entitled, or the Extent or Nature of the Estate, Right, or Interest, Power or Authority, of any Person or Class of Persons, or the Priority of any Charge or Incumbrance, Claim or Interest, or as to the Mode in which any Entry ought to be made in the Record of Title, such Questions shall be disposed of by the Judge, who may either decide the same, or direct any Proceeding at Law or in Equity for that Purpose, or, at his Discretion, and without 35 40

without deciding such Question, may direct such Entry to be made on the Record as shall appear to be right; and the Judge may direct the Estate or Interest of any Person to be recorded by reference to the Deed, Will, or Instrument creating the same, or
5 Copy thereof made and retained in Court, as herein-after directed.

12. Subject to any Qualification mentioned in such Record of Title, and to any recorded Charges, Incumbrances, Tenancies, or Leases, and to any Tenancy or Lease not required to be noted on the Record, the recorded Owner for the Time being shall be and be deemed to be absolutely and indefeasibly possessed of and entitled to such recorded Estate, against all Persons, and free from all Rights, Interests, Claims, and Demands whatsoever, including any Estate, Claim, or Interest of Her Majesty, Her Heirs and Successors: Provided always, that nothing herein contained shall prejudice or affect any Rentcharge in lieu of Tithe, or any Crown Rent or Quitrent to the Crown, or any Charge imposed before the Day of the passing of this Act under any Public Act or Acts for promoting Drainage or Land Improvement in Ireland.

Recorded Owners to be entitled to the Estates mentioned on the Record, free from all other Claims. 25 & 26 Vict. c. 53. s. 20.

13. No Entry in such Record of Title as aforesaid shall be set
 20 aside or called in question as against any Person who may after-
 wards become interested under any Sale, Mortgage, or Contract
 for valuable Consideration, by reason of any Irregularity or Infor-
 mality therein, or in the Proceedings previous to the making
 thereof.

Informality
 not to prej-
 udice Entry
 in Record of
 Title.
 25 & 26 Vict.
 c. 53. s. 21.

25 **14.** From and after the recording of any Land or Lease, every Settlement, Transfer, Mortgage, Charge, Lease, or Sub-Lease granted or in any Manner created in or affecting such Land or Lease or any Part thereof (except as herein excepted), shall be entered or noted in the Record of Title to be kept as aforesaid.
30 Recorded Charges on the same Land or Lease shall, as between themselves, rank according to the Date of their being recorded, and not according to the Date of their Creation.

Every Charge, &c. to be entered in Record of Title.
25 & 26 Vict. c. 53. s. 32.

15. Subject to the Enactments herein contained, the Estates and Interests of all recorded Owners shall remain subject to the existing Law, and may be dealt with, assured, devised, and transmitted by Descent or Representation according to the ordinary Rules of Law and Equity.

Estates of Proprietors subject to existing Law. 25 & 26 Vict. c. 53. s. 33.

16. The Provisions of the several Acts of Parliament now in force relating to the Registry of Deeds in Ireland shall cease to be applicable to any Land so soon as it has been placed on the Record [217.] A 3 under Acts relating to Registry of Deeds not to apply to

recorded
Land.

25 & 26 Vict.
c. 53. s. 104.

under the Provisions of this Act, and so long as it remains thereon ;
and the said several Acts shall not be applicable to any Lease,
Charge, or Incumbrance on the Record, so far as the same affects
any recorded Estate : Provided always, that so soon as any Con-
veyance or Declaration of Title has been recorded under this Act, a 5
Memorial of the placing of the Land or Lease on the Record shall
be prepared specifying the recorded Ownership and full Description
of the Lands, which Memorial shall be certified under the Seal of
the Court, and shall be forthwith handed to the Registrar of the
Registry of Deeds in Ireland ; and such Registrar is hereby autho- 10
rized and directed to file such Memorial, when duly verified, in the
same Way as Memorials of Deeds, and shall receive such Fees
thereon as now chargeable for Memorials of Deeds, and the said
Registrar shall duly enter in the Registry the Name of the said
Owner and the Description of the Lands, and shall make the usual 15
Return on any Requisition as with regard to Memorials of Deeds.
Such Memorial, when registered, shall be conclusive Evidence of
the several Matters therein contained.

Power to
amend the
Record on
Fiat of a
Judge, and
the like
Amendment
to be made
in Land Cer-
tificate.

17. The Officer shall, when directed by a Fiat of a Judge, but
not further or otherwise, make any Amendment or correct any 20
Error in the Record or in any Map thereto annexed, as the Judge
shall consider just ; such Amendment or Correction shall be made
after such Notices, and on such Terms as to Costs or otherwise, as
the Judge may think fit. Every such Amendment or Correction
in the Record shall be marked by the Officer with the Date of 25
making the same, and with the Initials of his Name ; and any
Certificate which may have been issued as herein-after mentioned,
or other Instrument of Title, shall be amended in like Manner ;
and the Judge may direct and compel any such Certificate or
Instrument of Title to be brought to the Office by any Person for 30
the Purpose of Amendment, or for the Purpose of having a new
Certificate granted in lieu thereof ; and such Amendment of the
old or substitution of a new Certificate shall be without Prejudice
to any Claim of Lien or other Claim thereon, and shall be on such
Terms as to Costs as may be just. 35

Power to
order a Cer-
tificate to be
brought in to
be amended
or a new one
substituted.

As to Land Certificates and Certificates of Charges.

Officer to
deliver Land
Certificates.
25 & 26 Vict.
c. 53. ss. 68.
and 69.

18. The Officer shall upon Request deliver to every Person who
is named or described in the Record as the Owner of any recorded
Estate a Certificate, herein called a " Land Certificate," under the
Seal of the Office, which Certificate shall contain a Copy of the 40
Description of the Estate and Particulars of the Incumbrances,
Leases, and other Matters in force relating thereto, and a Copy of
the

the Map (if any); the Officer shall also upon Request, deliver to every Person who is named or described in the Record as the Owner of any Charge or Incumbrance a Certificate of Charge: Certificates of Charge to be also issued.

Provided always, that no Certificate shall be issued until any
 5 Duplicate Conveyance, or Declaration or former Certificate (as the Case may be) which may have been issued shall be returned to the Officer to be cancelled.

19. At the Request of the Holder the Officer shall at any Time compare any such Certificate with the Record, and, if there has
 10 been no Alteration, shall certify at the Foot of such Certificate that it contains a true Statement of the Entries in the Record, and shall sign the same and add the Date of such Signature. Any Alteration or Omission which can be conveniently made in a Certificate, or any Addition thereto, so as to make the same correspond with any
 15 Alteration in the Record, may be made and signed by the Officer, if he shall think fit. Before recording any Transfer or other Dealing (except a Lease), the Officer shall serve a Notice thereof on the recorded Owner in the Manner directed by Section Sixty-four of this Act, unless such Owner shall appear in Person, and be identified
 20 to the Satisfaction of the Officer; and the Officer shall also require the Production of the Certificate or other Instrument of Title equivalent thereto that may have been issued, and when such Transfer or Disposition has been completed; such Certificate or Instrument of Title (if reissued) shall be made up so as to corre-
 25 spond with the Record. A new Certificate may be granted on the Delivery up of the former Certificate.

Officer to compare Certificate with the Record.
 25 & 26 Vict. c. 53. s. 69.

20. Whenever any recorded Owner shall be desirous of selling or mortgaging any recorded Estate he may, on giving up to the Officer his Land Certificate, obtain a "special Land Certificate"
 30 for that Purpose, which shall contain the Particulars given in the Land Certificate. Such special Certificate shall be conclusive Evidence of the Title of the recorded Owner as appearing by the Record. No Entry shall be made by the Officer in the Record of any Deed, Instrument, Act, or Transaction affecting the Estate comprised
 35 in such special Certificate, except on the Delivery up of such special Certificate, until Fourteen Days have expired from and after the Day of the Date thereof. A Note of such special Certificate shall be entered in the Record.

Recorded Owner desirous of selling, &c. may obtain special Land Certificate.
 25 & 26 Vict. c. 53. s. 70.

21. Every Land Certificate, or Certificate of Charge, duly signed
 40 and sealed, shall be conclusive Evidence of the several Matters therein contained as of the Date of such Certificate. The Deposit of the Certificate by the Person entitled thereto shall, for the Purpose of creating a Lien on his Estate and Interest, be a valid
 00 [217.] A 4 Security

Certificate to be Evidence, and may be deposited as Security.
 25 & 26 Vict. c. 53. ss. 71. and 73.

Security in the Terms of any Letter or Memorandum or Agreement accompanying such Deposit; and such Letter or Memorandum or Agreement shall be chargeable with the same Stamp Duty as a Mortgage would have been, according to the Stamp Acts now in force.

5

Power of subdividing Land or Charge, and of obtaining new Certificates.

22. Any Owner of a recorded Estate or Charge, on making Application to the Officer, and upon giving up his Certificate to be cancelled, and on producing the Consent of any Incumbrancer or other Person whose Consent shall be deemed necessary, may obtain separate Certificates for separate Parcels of Land, or for separate Portions of any Charge, or may obtain one Certificate comprising several Parcels of Land or Charges; and in such Case the old Folio of the Record may be cancelled, and new Folios or Chapters relating to such Subdivisions may be opened therein.

10

Procedure on Transfer of Part of an Estate.

23. On the Transfer of Part of a recorded Estate a new Folio shall be opened in respect of such Part, and a new Land Certificate issued; and a suitable Entry shall at the same Time be made on the Folio and Map relating to the Residue and on the Certificate thereof; or, if the Officer shall deem it more convenient, he may cancel the old Folio, and open a new one, and issue a new Certificate in respect of the Residue of the Estate.

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Apportionments may be made and Surveys directed for the Purposes of Subdivision.

24. If for any Purpose mentioned in the last Section any Apportionment of Head Rent or of Tenant's Rent shall be desirable, the Court may apportion such Rent, whether the same be reserved by a Fee-farm Grant or by a Lease, according to its usual Practice with regard to Apportionments, and on the like Notices or Consents being produced: Provided always, that the Officer may, if he deem it necessary, require a new Boundary Survey to be made and new Maps furnished before proceeding to open new Folios in the Record as to separate Parcels of Land.

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On Proof of Loss, &c. of Certificate, a new one may be given.
25 & 26 Vict. c. 53. s. 118.

25. If any Land Certificate or Certificate of Charge be lost or destroyed, the Officer may, upon the Fiat of the Judge who may be satisfied of the Fact of such Loss or Destruction, and shall direct such public Advertisement for the Recovery of the same as he may consider expedient, give a new Certificate, and shall state thereon that it is given in substitution for the former Certificate, and the same Fees shall be chargeable for the new as for the former Certificate; but no such new Certificate shall be of any Avail against any Person who may have already derived Title under the former Certificate.

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Transfer

Transfer and Transmission of recorded Estates and Charges.

26. Recorded Estates and recorded Charges may be conveyed, charged, settled, dealt with, or affected—

Modes by which recorded Estates and Charges may be dealt with.
25 & 26 Vict. c. 53. ss. 63. and 74.

By a Statutory Deed or Disposition in either of the Forms in the Schedule annexed to this Act;

By Indorsement on the Certificate;

By Deposit of the Certificate as aforesaid;

By Deed, Will, Decree, Order, or other Means by which such Land or Charge, if not recorded, might now, according to Law, be dealt with or affected;

but no Estate, Interest, Contract, or Dealing not noted on the Record shall prevail against the Title of any Owner, or of the Proprietor of any Estate, Interest, Charge, or Incumbrance duly recorded under this Act; and no Equitable Mortgage or Lien on recorded

Land shall be created by Deposit of Title Deeds.

27. On the Occasion of any Transfer, Mortgage, or other Disposition of a recorded Estate, or of any Charge or Incumbrance thereon, the Parties or their Attorneys lawfully authorized may attend at the Office to complete the Transaction. The Description of the Land and of the Estate or Charge proposed to be transferred or dealt with shall be taken from or refer to the Record, and shall be inserted, under the Superintendence of the Officer, in one of the Statutory Forms set out in the Schedule hereto; and such Transfer or Disposition shall be executed by the Owner or Transferrer, or by his Attorney lawfully authorized, and duly attested by a Solicitor, and shall then and there, together with the Power of Attorney (if any), be delivered to the Officer, for the Purposes of having an Official Note entered in the Record.

Attendance of Parties at the Office to transfer or deal with recorded Land, &c.
25 & 26 Vict. c. 53. s. 64.

28. The recorded Owner of any Estate, Charge, or Incumbrance may transfer or charge the same by one of the Forms in the Schedule hereto, and the same shall be as complete and effectual as any other Form of Transfer, Charge, or Mortgage would have been, either at Law or in Equity. Persons taking under either of the said Statutory Forms shall take as fully and effectually as if the Estates and Rights expressed to be created and given by such Forms respectively had been created or granted by any of the Modes of Assurance now known to the Law.

Transfer, &c. may be by the Statutory Forms, which shall be effectual.
25 & 26 Vict. c. 53. ss. 65. and 66.

29. Any Person claiming under a Deed or Instrument affecting recorded Land executed elsewhere than in the Office may apply to have the same recorded as to such Land, on giving sufficient Evidence of the due Execution thereof; and when the Officer has received such Deed or Instrument he shall forthwith note the

Other Deeds may be recorded, on Evidence of due Execution.

Originals
or Copies to
be retained
in Court.

same on the Record, and shall retain in Court either the Original or a Counterpart, or a Copy, made and compared in such Manner as the Court may by General Rule direct, and under the Hand of the Grantor; and the Original, if handed back to the Person entitled thereto, shall be so marked or indorsed by the Officer as 5 to show that it has been noted on the Record; and so far as relates to the recorded Estate or Charge thereby affected it shall not be necessary to register any Memorial of such Deed or Instrument in the Office for registering Deeds in Ireland: Provided always, that the Officer may decline to receive and note any Deed or 10 Instrument which is not made in One of the Forms in the Schedule hereto, unless a Judge has, by Fiat indorsed thereon, directed the same to be received and noted.

When Deed
signed, &c.,
the Interest
thereunder
to be deemed
recorded,
and an
Official Note
to be made.
25 & 26 Vict.
c. 53. s. 76.

30. So soon as any Deed or Instrument has been duly executed, and has been received by the Officer, such Deed or Instrument, and 15 the Estate and Right created thereby, shall be deemed to have been duly entered on the Record, and an Official Note of Reference thereto shall forthwith be made by the Officer in the proper Folio of the Record: Provided always that such Deed or Instrument, and the Estate and Right created thereby, shall not be deemed to 20 have been entered on the Record so as to affect any Land, Lease, or Charge comprised in any such "Special Land Certificate" as herein-before mentioned until after the Expiration of the Time herein-before limited for the Entry of any Deed, Act, or Transaction affecting such Land or Charge. 25

Vesting
Orders may
be made, as
under the
Trustee
Acts.

25 & 26 Vict.
c. 53. s. 95.
and 21 & 22
Vict. c. 72.
s. 66.

31. For the Purpose of authorizing or of compelling a Transfer to be made of any recorded Estate or Charge or any Part thereof, the Court or a Judge may make such Orders and give such Directions as to the Appointment, Removal, or Change of Trustees, or as to the vesting in them or in any other Person of any Land or 30 Charge, as the Lord High Chancellor is empowered to make or give under "The Trustee Act, 1850," or any Act amending or extending the same.

Power to
recorded
Owner of
closing the
Record, and
remitting
his Estate to
the Opera-
tion of the
old Law
relating to
the Registry

32. The Owner of any recorded Estate may at any Time by a Requisition under his Hand, and with the Consent of all Persons 35 who may appear to be interested as having Charges or otherwise, and whose Consent shall be deemed necessary, require the Record to be closed, and on such Requisition and Consent being examined and found to be sufficient, a Memorial of the closing of the Record shall be prepared, specifying the Ownership and full Description of 40 the Lands, which Memorial shall be signed by the Officer and by the said Owner, and shall be forthwith handed to the Registrar of the

the Registry of Deeds in Ireland; and such Registrar is hereby authorized and directed to file such Memorial, when duly verified, in the same Way as Memorials of Deeds, and shall receive such Fees thereon as now chargeable for Memorials of Deeds, and the
 5 said Registrar shall duly enter in the Registry the Name of the said Owner and the Description of the Lands, and shall make the usual Return on any Requisition as with regard to Memorials of Deeds. Such Memorial, when registered, shall be conclusive Evidence of the several Matters therein contained. After the
 10 Registration of such Memorial the Record shall be deemed to be closed as to such Estate, but shall for all Purposes be deemed to have conferred an indefeasible Title upon the Person last therein described as Owner (subject as therein, and as in this Act, is excepted).

15 **33.** Notwithstanding anything contained in this Act, the Landed Estates Court shall have the same Jurisdiction that Courts of Equity now have on the Ground of actual Fraud, and it may alter or amend the Record on such Terms as may be just.

34. On the Death of the recorded Owner of any Real Estate, any
 20 Person claiming as Devisee may apply to the Judge for a Fiat directing the Officer to record the Applicant as Owner, in the Place of the deceased Person; but the Judge shall withhold such Fiat until the Applicant shall have lodged in the Office the Probate or a true Copy of the Will or Codicil under which he claims; and no
 25 Transfer or Disposition by any such Devisee shall be recorded, except after the Service of such Notice on the Heir-at-Law and Executors (if any) as the Judge may deem necessary; and the Judge may also, if he shall see fit, suspend such Fiat until a Decision of some other competent Court in favour of the Title
 30 claimed by such Devisee shall have been obtained.

35. On the Death of the recorded Owner of Real Estate, any Person claiming as Heir-at-Law may apply to the Judge for a Fiat directing the Officer to record the Applicant; but no such Person shall be recorded as Owner until at least Six Calendar Months from
 35 the Date of such Application shall have expired, and such Notices of every such Application shall be given, by Advertisement and otherwise, as the Judge may think necessary or proper: If there shall be any Doubt, Dispute, or Litigation touching the Ownership of the Estate of a deceased Owner, the Court may appoint a Person
 40 to be recorded in his Place as the Representative of such Estate, and shall give Directions to such Representative from Time to Time touching the Management and Letting of the Estate; and

of Deeds, &c. in Ireland.

Jurisdiction of the Court declared in Cases of actual Fraud.

Devisee of deceased recorded Owner may apply to be recorded as Owner. Notice to be given to Heir, &c. 25 & 26 Vict. c. 53. s. 79.

Heir-at-Law of deceased Owner may apply to be recorded.

Court may appoint a Representative of Estate of a deceased Owner. 25 & 26 Vict. c. 53. s. 78.

Powers of
the Repre-
sentative.

all Acts of such Representative in pursuance of the Directions of the Court shall be valid and binding on all Parties interested in the Estate.

Personal
Representa-
tive may be
recorded.

36. On the Death of the recorded Owner of a Chattel Interest in or of a Charge affecting Land, his personal Representative may 5 apply to be recorded in the Place of the deceased Person.

Assignees of
Bankrupt,
&c. Owner
may be re-
corded.

37. On the Bankruptcy or Insolvency of any recorded Owner, the Assignee or Assignees of his Estate shall be entitled to be recorded in his Place. On the Marriage of any Female Owner of a recorded Estate or Charge her Husband may apply to be 10 recorded as Co-proprietor in right of his Wife.

25 & 26 Vict.
c. 33. s. 80.

Marriage
may be re-
corded.

Power to record Estates and Interests under Settlements.

The Judge
may direct
Estates and
Interests
under Settle-
ments to be
separately
recorded.

38. Upon the Application of any Person claiming under any Settlement of a recorded Estate a Judge may make an Order directing the Officer to record separately any vested Estate under 15 the Settlement, either in possession, or in remainder after the dropping of a Life or Lives, which can be aliened by the Owner thereof without the Consent of any other Person, and which is not liable to be defeated or affected at Law or in Equity by the Act of any other Person or by any other Contingency. Upon any such Application 20 the Judge shall ascertain whether any Power of Sale or Exchange or Power of charging exists with respect to such Estate, and if so the Record shall be qualified by stating the Existence of such Power; the Judge may also direct the Officer to record separately any vested and ascertained Charge or Incumbrance under the 25 Settlement.

Interests, &c.
separately
recorded to
be recorded
Estates or
Charges.

39. Any Estate, Interest, or Charge under a Settlement, when separately recorded, shall be, for the Purposes of this Act, and shall be deemed to be, a "recorded Estate" or a "recorded Charge," and a separate Folio or Division (as the Case may be) of the Record 30 shall be opened therefor, and a separate Certificate issued to the Person entitled.

Interests, &c.
may be re-
corded by
Reference.

No Appeal
to lie if the
Judge de-
clines to
record
separately.

40. On any Application to record separately any Estate, Interest, or Charge under a Settlement, the Judge may decline to have the same separately recorded, or he may (at his Option) direct that the 35 same be recorded by means of a Note of Reference to the whole or any Portion of the Settlement or Counterpart, or the Copy retained in Court as herein-before provided for; and no Appeal shall lie from any Decision of the Judge given under this Section.

41. Trustees

41. Trustees with a Power of Sale may be recorded as Joint Owners, and any Tenant for Life or other Person may by their Consent, or by Direction of a Judge, be entered as a "consenting Party," and without the Consent of the Person so inscribed as last
- 5 aforesaid no Transfer or Disposition shall be made: Provided always, that the Judge shall have full Power (after such Inquiries and Notices as it shall deem just) to direct the Name of any Person to be removed as a "consenting Party," and to direct the Name of any other Person to be inserted in lieu thereof; and any
- 10 Person interested in preventing any Sale or Disposition by such Joint Owners may lodge a Caveat with the Officer in manner herein-after mentioned.

Trustees with Power of Sale may be recorded as Owners, and a Person may be recorded as "consenting Party" to any Sale, &c.

Judgments and other Claims on recorded Estates.

42. No Judgment, Recognizance, Crown Bond, Lis pendens,
- 15 Acceptance of Office, Inquisition, Decree, or Order shall be a Charge upon recorded Land, or in any Manner affect the same, unless and until a Memorandum of the same, in such Form and with such Verification or other Evidence as the Court may by General Rule direct, shall be lodged with the Officer; and the
- 20 Officer shall, on such Memorandum being lodged, and such Information given as will enable him to identify the Land sought to be charged, make an Official Note thereof on the Record. It shall not be necessary to register or file any Affidavit in the Registry of Deeds Office for the Purpose of making a Judgment a
- 25 Charge on recorded Land.

No Judgment, Crown Bonds, Lis pendens, &c. to affect recorded Land, unless duly entered on the Record.

Judgments need not be registered by Affidavit.

43. Judgments, Recognizances, Crown Bonds, Lis pendens, Acceptances, and Inquisitions, Decrees, and Orders, entered on the Record by the Lodgment of a verified Memorandum, and the Entry of an Official Note as aforesaid, shall be re-entered before the End
- 30 of every Five Years from the Entry thereof, by the like Means; and no Judgment, Recognizance, Crown Bond, Lis, Acceptance, Inquisition, Decree, or Order shall be of any Force or Effect as against a Purchaser for valuable Consideration, or Mortgagee of a recorded Estate, unless the same shall have been entered or re-
- 35 entered on the Record within Five Years previous to the Date of the recording of his Purchase or Mortgage; and no such Purchaser or Mortgagee shall be affected by Notice, express or implied, of any Judgment, Recognizance, Crown Bond, Lis, Acceptance, Inquisition, Decree, or Order.

Judgments, Recognizances, &c. to be re-entered before Five Years.

If not so re-entered they shall not affect Purchasers for valuable Consideration.

- 40 44. Whenever Payment is made of any Part of the Principal Money due on a recorded Charge or Incumbrance, the Officer may, on Production of a Receipt signed by the recorded Owner of the

Part Payment of Charge to be noted.

Interest from the last Gale Day only shall be deemed to be due on the Occasion of a Transfer.

No Release necessary where the Payment of a Charge is noted.

Charge and duly verified, make an Official Note thereof, on the Record. Unless and until such Note be made the entire Principal Sum expressed to be due shall, on the Occasion of any Transfer for valuable Consideration, be considered as due. Interest on the Principal Sum since the last Gale Day shall be considered as due, unless the Fact of the Payment of such Interest be recorded. If in any Instrument of Transfer any further Interest be expressed to be due, such Transfer of Arrears of Interest shall be valid only to the Extent to which such Interest shall be actually due and recoverable from the Land. On the Application of any recorded Owner or Incumbancer, and on finding that any Charge, Incumbrance, or Claim upon a recorded Estate has been paid off or satisfied, the Officer may make an Entry of the Fact on the Record, and no Release or Re-conveyance shall in that Case be necessary.

Sale by Sheriff of any recorded Land or Lease to be noted.

45. Whenever any recorded Land or Lease shall be sold by the Sheriff under any Writ, or shall be sold under any Direction, Decree, or Order of any competent Court, the Officer, on Production to him of the Conveyance or Assignment, and of an Office Copy of the Writ, Direction, Decree, or Order, may record the Purchaser as Owner of such Land or Lease.

Caveats against Transfer, &c.

Power to any Person interested to lodge a Caveat prohibiting dealing with Land, &c.

25 & 26 Vict. c. 53. ss. 96, 97, 40.

46. Any Person interested in any Land, Lease, or Charge recorded in the Name of any other Person may lodge a Caveat with the Officer, which Caveat shall be in such Form and shall be verified and noted on the Record in such Manner as the Court shall by General Rule direct. A Caveat shall remain in force for a Period of Twenty-one Days from the Date thereof if the Court shall be then sitting, or if the Court shall not be sitting then for Twenty-one Days from the next Sitting of the Court. Any Transfer or other Disposition recorded during such Period shall, unless a Judge shall otherwise direct, be made expressly subject to the Title and Claim (if any) of the Cautioner.

Caveat to cease unless extended.

Power to a Judge to extend the Operation of a Caveat.

25 & 26 Vict. c. 53. ss. 98, 99, 100.

47. After the Expiration of such Period the Caveat shall cease, and the Officer shall cancel any Note thereof on the Record, unless a Fiat continuing it be made by a Judge; and upon the Caveat so ceasing the Land, Lease, or Charge shall be dealt with in the same Manner as if no Caveat had been lodged. If before the Expiration of the said Period the Cautioner or his Solicitor appears before a Judge, and gives such Undertaking or Security, or lodges such Sum in Court as such Judge may consider sufficient to indemnify every Person against any Damage that may be sustained by reason of any Disposition of the Property being delayed, then and in such Case such

such Judge may direct the Officer to delay recording any Dealing with the Land, Lease, or Charge for a further Period, to be specified in such Order, or make such other Order as may be just. If any Caveat be lodged without reasonable Cause, such Judge may order
 5 Payment by the Cautioner of such Sum by way of Compensation or Costs as he may deem just.

48. Where Two or more Persons are recorded as Owners of any Estate or Charge, a Note may, with their Consent or by Direction of the Judge, be made by the Officer on the Record, to the Effect
 10 that when the Number of such Owners is reduced below a specified Number, no Disposition of such Land or Charge shall be made by the Survivors unless the Judge shall otherwise direct; and such Note shall appear on every Copy or Certificate issued by the Officer.

In certain Cases a Note to be made on Certificate as to Disposition of Land.

Leases and Demises of recorded Land.

15 49. Whenever recorded Land is intended to be leased or demised, the Lease and a Counterpart thereof, after being executed by the recorded Owner, and attested, may be brought to the Officer, who shall make an Official Note of the Terms of such Lease in the proper Folio of the Record, and shall mark or indorse on such Lease and
 20 Counterpart a Note that they have been recorded. A Lease granted by any Person having Power to lease, but not being the recorded Owner, may, on the Fiat of the Judge, be noted on the Record in like Manner. On the Application of the Lessee, and after Notice to the recorded Owner, any such Lease may be entered in a Subdivision
 25 or Chapter of the said Folio, and such Lease shall in that Case be deemed to be a "recorded Estate," within the Meaning of this Act: Provided always, that if the Lessor's Interest shall be subject to any recorded Charge, either the Consent of the Person appearing entitled to such Charge shall be obtained before a Lease or Demise of
 30 recorded Land shall be noted or entered on the Record, or, if such Consent be not obtained, the Officer shall enter a Note to the Effect that the granting or recording of such Lease is "without Prejudice to the Title and Claim" of the Person entitled to such Charge; and the Interest of the Lessee shall remain subject to such Qualification
 35 as last aforesaid, but the Officer may at any Time, on such Consent being obtained, and proved to his Satisfaction, cancel such Qualification, and thereupon the Title of the Lessee shall become indefeasible, subject only to the Reservations, Clauses, and Covenants contained in the Lease: Provided also, that any Tenancy or Lease
 40 lawfully made at a Rackrent without Fine for a Term not exceeding Thirty-one Years, and under which the Tenant is in possession, or any Assignment thereof, shall be valid for all Purposes, although not entered or recorded under this Act.

Mode of leasing or demising recorded Land.

Consent of any Person entitled to a Charge to be obtained, otherwise the Rights of such Person to be expressly reserved.

Certain Leases excepted from Operation of the Act.

Title of Lessor in Lease not to be indefeasible unless the Court shall direct a Note to be entered to that Effect.

50. On the recording, pursuant to this Act, of any Land held under Lease, the indefeasible Title shall not extend to the Title of any Lessor or Grantor under whom the same is held, unless the Court, having investigated the Title of such Lessor or Grantor, shall direct an Official Note to be entered to the Effect that the Title of such Lessor or Grantor is guaranteed, and in such Case the Validity of such Lease shall not afterwards be impeached on the Ground of any Want of Power or Title in the said Lessor or Grantor to make the same, or by reason of any Clause, Condition, or Covenant in the same, or by reason of the same not having been duly registered.

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Land heretofore conveyed, &c. may be brought upon the Record.

Power in certain Cases to record Land although an Interval has elapsed since such Land was the Subject of a Conveyance or Declaration by the Court.

51. Any Person who has heretofore obtained a Conveyance from the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, or has obtained or may hereafter obtain a Conveyance or Declaration of Title from the Landed Estates Court, may apply in a summary Manner, without Petition, to the Court, to be recorded as Owner, pursuant to this Act; and on producing such Conveyance or an Office Copy of such Declaration, and on furnishing such Search or other Evidence of Title, and after the Publication of such Advertisement as the Court may direct, such Person may, if the Court think fit, be recorded as Owner of the whole or Part of the Land or Lease comprised in such Conveyance or Declaration, and such Land or Lease, or Part thereof, shall thereupon become a recorded Estate within the Meaning of this Act: Provided always, that an Interval of Two Calendar Months shall elapse between such First Application and the final recording of the Title as aforesaid; and that the Officer may, if he think fit, require a new Survey of the Land to be made, and a new Map, for the Purpose of Entry on the Record.

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General Provisions, Practice of the Office, Rules, Forms, Fees, &c.

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Officer not to be restrained by Injunction, &c.
21 & 22 Vict. c. 72. s. 86.

52. No Act, Entry, or Proceeding under this Act shall be restrained nor shall the Officer be restrained by Order or Injunction of a Court of Equity or by Writ of Prohibition; nor shall the Officer be required by Writ of Mandamus to do any Act, or make any Official Note or Entry under this Act; nor shall the Record or any Book or Document be liable to be removed from the Office under any Writ or Process of any other Court, unless a Judge shall so direct.

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Indemnity for Acts done bonâ fide.

53. The Judge shall not, nor shall the Officer or any Person acting under the Authority of either of them, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter

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bonâ

bonâ fide done or omitted in the Exercise or supposed Exercise of the Powers of this Act.

54. The "Record of Title Office" of the Court shall be open for Business on every Day of the Year, except the following Days; viz., Sundays, Christmas Day, New Year's Day, Good Friday, Easter Monday, and Whit Monday, and any Day duly appointed to be kept as a Day of General Fast or Thanksgiving. The said Office shall be open during such Hours, and such Officer and Clerks shall attend therein, as the Court shall from Time to Time direct.

Days and Hours when the Office shall be open for Business.

55. The Court shall, on or before the First Day of January next, frame a Code of General Rules and of Forms for carrying out the Objects of this Act. Such General Rules shall further provide for the Sale, Transfer, Partition, and Exchange of "recorded Estates" by the Court. Such Rules and Forms shall be submitted to the Lord Chancellor of Ireland, and approved of by him, before they shall be binding, and when made and approved of as aforesaid they shall be laid before Parliament forthwith, if Parliament is sitting, or if not within Fourteen Days after the next Sitting of Parliament; and such Rules and Forms may from Time to Time be added to, rescinded, or altered by the like Authorities respectively; and all such Rules shall take effect as General Rules of the Court.

General Rules to be made and approved of, and submitted to Parliament.

56. A Seal shall be prepared for the Record of Title Office of the Court, and shall be kept in the Custody of the Officer, and all Certificates and other Documents purporting to be sealed with such Seal shall be admissible as Evidence, without further Proof.

Seal of Record of Title Office. 25 & 26 Vict. c. 53. s. 123.

57. If in any Proceeding to obtain the recording of any Land, or to obtain any Certificate, or otherwise in any Transaction relating to Land which is or is proposed to be put upon the Record, any Person acting either as Principal or Agent shall, knowingly and with Intent to deceive, make or assist, or join in or be privy to the making, of any material false Statement or Representation, or suppress, conceal, or assist or join in or be privy to the suppressing, withholding, or concealing, from any Judge, or the Officer, or any Person assisting the Officer, any material Document, Fact, or Matter of Information, every Person so acting shall be deemed to be guilty of a Misdemeanor, and on Conviction shall be liable to be imprisoned for a Term not exceeding Three Years, and either with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall award. The Act or Thing done or

Person making false Statement, guilty of Misdemeanor. 25 & 26 Vict. c. 53. s. 105.

obtained by means of such Fraud or Falsehood shall be null and void to all Intents and Purposes, except as against a Purchaser for valuable Consideration without Notice.

As to
Persons
aggrieved
by proceed-
ing, &c. for
any Act de-
clared a Mis-
demeanor.
25 & 26 Vict.
c. 53. s. 106.

58. No Proceeding or Conviction for any Act hereby declared to be a Misdemeanor shall affect any Remedy which any Person 5
aggrieved by such Act may be entitled to, either at Law or in Equity, against the Person who has committed such Act.

Answers to
Questions,
&c. not ad-
missible in
Evidence.
25 & 26 Vict.
c. 53. s. 107.

59. Nothing in this Act contained shall entitle any Person to refuse to make a complete Discovery by Answer or otherwise 1
to any Bill or Petition in Equity, or to answer any Question 10
or Interrogatory in any Civil Proceeding in any Court of Law or Equity, or in the Court of Bankruptcy; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Criminal Proceeding.

Provisions
as to Ap-
plications
made by
married
Women.
25 & 26 Vict.
c. 53. s. 115.

60. Where any married Woman is desirous of making any 15
Application, giving any Consent, or doing any Act, or becoming Party to any Proceeding under this Act, her Husband's Concurrence shall be required, and she shall be examined apart from her Hus-
band touching her Knowledge of the Nature and Effect of the
Application or other Act, and it shall be ascertained that she is 20
acting freely and voluntarily, and such Examination may be taken by the Judge. A married Woman entitled to her separate Use, and not restrained from Anticipation, shall, for the Purposes of this Act, be deemed a Feme Sole.

Provision
for other
Persons
under Dis-
ability.
25 & 26 Vict.
c. 53. s. 116.
and 21 & 22
Vict. c. 72.
s. 73.

61. Where any Person who (if not under Disability) might have 25
made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively of such Person may, with the Assent of a Judge, make such Appli-
cations, give such Consents, do such Acts, and be Party to such 30
Proceedings as such Person respectively if free from Disability might have made, given, done, or been Party to, and shall otherwise, with such Assent as aforesaid, represent such Person for the Pur-
poses of this Act. Where there is no Guardian or Committee of the
Estate of any such Person as aforesaid, being infant, idiot, or 35
lunatic, or where any Person, the Committee of whose Estates if he were idiot or lunatic would be authorized to act for and represent such Person under this Act is of unsound Mind or incapable of managing his Affairs, but has not been found idiot or lunatic under an Inquisition, it shall be lawful for a Judge to 40
appoint a Guardian of such Person for the Purpose of any Proceed-
ings

ings under this Act, and from Time to Time to change such Guardian; and where a Judge sees fit he may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or
5 change such next Friend.

62. The Record shall be under the Management of the following principal Officers of the Landed Estates Judges; viz., the Examiners and the Registrar, or of such One of them as the Judges shall from Time to Time direct, and in case of his Absence the Judges shall
10 appoint One other of the said Officers to supply his Place; and the Court shall adjust the Duties now performed by the said Officers in such Manner as may appear expedient for the Purposes aforesaid, and shall so arrange the same that some One of the said Officers shall be in attendance daily (except as aforesaid) throughout the
15 Year; and there shall be paid to such Officers or any of them, or to any other Officer or Clerk of the Court whose Duties shall be increased by the Operation of this Act, such Sum by way of increased annual Salary as the Commissioners of Her Majesty's Treasury shall approve, on the Recommendation of the said Judges.
- 20 If the Lord Chancellor of Ireland shall now or at any Time hereafter consider it necessary or expedient, having regard to the Business of the Court, that additional Clerks should be appointed, it shall be lawful for the Judges, with the Consent of the said Commissioners, to appoint such additional Clerks to assist in carrying
25 out this Act, and there shall be paid to such Clerks such Salaries as the Judges, with the Assent of the said Commissioners, shall appoint; and such Clerks shall be removeable by the joint Order of the said Judges, with the Sanction of the Lord Chancellor, and shall be subject to the same Regulations, and shall hold their Offices
30 during Pleasure, and in other respects on the same Conditions, and shall be paid out of the same Funds, and in the same Manner, as the other Clerks of the Court; and all other Expenses of carrying out this Act shall be paid out of such Monies as shall be provided by Parliament.

Record to be managed by certain Officers of the Court.

Arrangements to be made for constant Attendance.

Power to appoint additional Clerks to assist in the Office.

- 35 63. All Applications to the Judge under this Act shall be made in Chamber, and such Judge may direct any Matter before him to be argued in Court. Any Order or Decision or Direction of the Judge, excepting a Decision or Direction given under the Fortieth Section of this Act, shall be subject to the like Appeal to the
40 Court of Chancery Appeal in Ireland, and thence to the House of Lords, as is provided by the said recited Act of the Twenty-first and Twenty-second Years of the Reign of Her Majesty.

Practice before the Judge, and Right of Appeal.
25 & 26 Vict.
c. 53. s. 134.

Address of
recorded
Owners, &c.
to be given
for the Pur-
pose of serv-
ing Notices.
25 & 26 Vict.
c. 53, s. 124.

64. A Place of Address in Ireland shall be entered in a Book to be kept for that Purpose in the Court for every Person whose Name is entered on the Record as Owner of Land or of a Charge, or as a Cautioner, or as entitled to receive any Notice; or any such Person may, at his Option, give from Time to Time the Name and Address of any Solicitor of the Court to act on his Behalf. Notices shall be deemed sufficiently served if sent through the Notice Office of the Court, or by registered Post Letter to such Address as aforesaid. 5

A Scale of
Costs may
be framed
for profes-
sional Ser-
vices in
regard to
recorded
Land.
25 & 26 Vict.
c. 53, s. 131.

65. The Judges of the Court may frame a Scale of Costs to be paid to Solicitors or certificated Conveyancers in respect of any Service rendered by them in relation to any recorded Estate or Charge, or any Matter connected therewith. Such Scale shall be framed with regard to the Skill and Trouble involved and the Amount of Property affected, and not with regard to the Length of the Documents prepared. Such Scale shall be submitted to the Lord Chancellor of Ireland, and shall be approved of by him before it shall be binding, and with the like Approval it may be varied. Such Scale shall be acted on by all Persons having by Law or by Consent of Parties Authority to tax or moderate Costs. 20

Forms in
Schedule to
be used, but
may be
varied if
necessary.
25 & 26 Vict.
c. 53, s. 67.

66. The Forms contained in the Schedule hereto may be used; but they may be modified or altered to suit the Circumstances of every Case, and Deeds made in such altered Forms shall be equally valid and effectual.

Return of
Business
done to be
sent in an-
nually by
the Judges.

67. On the Second of November of each Year after this Act shall come into operation the Judges shall furnish to the Lord Lieutenant or other Chief Governor or Governors of Ireland a Return to be laid before Parliament showing the Number of Estates recorded under the Act during the Year, distinguishing those which are brought in and recorded under the Fifty-first Section of this Act, and distinguishing Estates and Interests under Settlements separately recorded as aforesaid; and the Return shall also show the Amount of Fees received during the Year pursuant to this Act. 25 30

Judges to
frame a
Schedule of
Fees.

68. The Judges of the Court shall, with the Consent of the Commissioners of Her Majesty's Treasury, frame a Schedule of Fees to be received by the recording Officer in respect of the following Matters, viz.: 35

1. Transfers, Transmissions, and other Dealings with recorded Estates and Charges, having regard to the Value of the Estates and the Amounts of the Charges:

2. Recording

2. Recording of Estates under the Fifty-first Section of this Act, having regard to the Value of such Estates :

3. Entry and Cancellation of official Notes or Entries ; Lodgment of Caveats, and of Deeds and other Documents ;
5 Issue of Certificates, and other Acts to be done by the recording Officer :

The Judges may, with the Consent of the said Commissioners, from Time to Time lower or raise such Fees, or any of them ; all Fees shall be paid over so as to form Part of the Consolidated Fund
10 of Great Britain and Ireland ; the recording Officer may also charge any Sum actually payable, according to a Scale to be sanctioned by the Judges, to a Surveyor, Printer, or Scrivener, for Services or Work necessarily done in respect of any Map, Entry, Certificate, or Copy under this Act ; except as aforesaid, no Fees or Sums shall
15 be received by any Officer or Clerk of the Court in respect of Proceedings under this Act.

69. The following Rules shall be observed with respect to the Collection of Fees :

Rules with regard to the Collection of Fees.
25 & 26 Vict.
c. 53. ss. 129.
and 130.

20 1. All Fees payable shall be received by Stamps denoting the Amount of Fees payable, and not in Money :

2. When any Fee is payable in respect of a Document, a Stamp denoting the Amount of Fee shall be affixed to or impressed on such Document :

25 3. Whenever an adhesive Stamp shall be used to denote Payment of any Fee, such Stamp shall be effectually cancelled in such Manner as the recording Officer shall direct, so as to be incapable of being used again :

30 4. The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies hereby directed to be paid by Stamps.

70. The several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to any Document on which such Stamps may be
35 affixed or impressed, and to collecting and securing the Sums of Money denoted by Stamps, and to preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully as if such Provisions had been herein repeated and specially enacted with reference to the last-mentioned Stamps and Sums of
40 Money respectively.

Stamp Acts applied to Stamps under this Act.

SCHEDULE.

No. 1.—FORM OF TRANSFER OF RECORDED LAND.

I *A.B.*, the recorded Owner of the under-mentioned Land, pursuant to the "Record of Title Act, Ireland, 1865," in consideration of £ Sterling paid to me by *C.D.* of &c., do grant to the said *C.D.* all [*insert* 5
Description of Land taken from or referring to the Record, and refer to Map (if any)], to hold to him and his Heirs for ever [*or otherwise, according to the Nature of the Interest transferred*]. Dated this Day .

Signed and sealed at the Record of Title Office, Landed Estates Court, Ireland, in my Presence, *E.F.* of a Solicitor of the Court. } Signature, (Seal.) 10

I hereby accept the above Transfer.

Signature, Address, 15

No. 2.—FORM OF CHARGE.

I *A.B.*, the recorded Owner of the under-mentioned Land, pursuant to the "Record of Title Act, Ireland, 1865," in consideration of £ Sterling lent to me by *G.H.* of , do charge in favour of the said *G.H.* the Hereditaments described in the Schedule hereto with the Principal Sum of 20
£ repayable on the Day of , together with Interest thereon at the Rate of per Cent. [reducible to if paid within a Month after due], and payable half-yearly, every and . Dated this Day of .

Witness, &c., } Signature, (Seal.) 25

as above. } I hereby accept the above Charge.

Signature and Address,

Schedule above referred to.

N.B.—This Form may be adapted to the Case of an Annuity charged on Land. 30

No. 3.—FORM OF TRANSFER OF CHARGE.

I, the within-named *G.H.*, the recorded Owner of a Charge under the "Record of Title Act, Ireland, 1865," in consideration of £ Sterling paid to me by *J.K.* of , do transfer to the said *J.K.* the [within 35
mentioned]

mentioned] Charge, on which £ now remains due [together with
Interest from the last Gale Day of Interest].

Witness, &c.

Signature,

(Seal.)

5 *as above.* } I hereby accept the above Transfer.

Signature and Address,

NO. 4.—FORM OF POWER OF ATTORNEY TO TRANSFER.

I *A.B.*, the recorded Owner of Land [*or a Charge*] pursuant to the
"Record of Title Act, Ireland, 1865," do hereby appoint *L.M.* of &c.,

10 Solicitor, my Attorney, for the Purpose of [transferring to *S.T.* of
&c., absolutely] all my Hereditaments, as entered and described in the Record
of Title, under Folio [Tyrone, No. 129], and my Estate therein [*or my Charge,*
describing it].

Signature,

15 *Witness, &c.*

(Seal.)

Record of Title (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

INTRODUCED

An Act for the recording of Titles to
Land in Ireland.

(*Brought from the Lords 15 May 1865.*)

*Ordered, by The House of Commons, to be Printed,
15 June 1865.*

[Bill 217.]

Under 4 oz.



A

B I L L

TO

Amend and better to administer the Laws for
Protection of Waters in Rivers and Streams
in England.

WHEREAS further Provisions are requisite for freeing the Rivers and Streams in England from Town Sewage and various other Impurities and Nuisances, and maintaining the Purity of Rivers and Streams by means of proper Authorities to be constituted for the Protection thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

- 10 1. That from and after the *First Day of January One thousand eight hundred and sixty-six* (in Cases where no other Date of Commencement is specified or to be inferred) there shall be in force in England and Wales, (except any Part of the Metropolis as defined by the Act of the Session 18th and 19th Years of the present Reign, Cap. 120, for better Local Management of the Metropolis,) the Provisions in the above Behalf contained in this Act, which Act for all Purposes may be cited as the "River Waters Protection Act (England), 1865."

General Commencement.

Territorial Limits.

Short Title.

[Bill 3.]

A

2. And

Interpreta-
tion.

2. And in those Provisions the following Words are to receive the Meanings hereunder ascribed to them unless the Subject or Context show the contrary :

“ River : ”

“ River ” means a River or Stream flowing into the Sea, and includes the Mouth or Estuary of such River or Stream and the adjacent Sea Shore to the Low Water of Spring Tides : 5

“ Stream : ”

“ Stream ” includes all Streams, Brooks, Becks, Rivulets, and Courses of running Water being Tributaries mediately or immediately of Rivers ; and any Mill Lead or artificial or other Canal or Channel communicating or discharging its Waters with or into a River or Stream or into the Sea are also included under the Terms “ River or Stream : ” 10

And the Words “ River ” and “ Stream ” also include any Lake, Bog, or Marsh from, into, or through which any River or Stream flows ; and also the Bed, Channel and Course, and Banks of a River or Stream, but not Land which does not constitute the Bank, although near to, and occasionally overflowed by the Waters of the River or Stream ; and these Terms do not include any Lake, Pond, or other Water not in communication with or discharging into a River or Stream or the Sea : 15 20

“ Water-
shed : ”

“ Watershed Area ” means the Catchment Basin of a River being the Area draining into the River, comprising all the Lands the Drainage from which naturally falls or proceeds into the River or into any tributary Stream thereof :

“ Works : ”

“ Work ” and “ Works ” mean and include any Mill or Manu- 25 factory and any Works, Place, or Building in which any manufacturing or chemical Process requiring a waste Outflow is carried on, or in which any waste or foul Water or Liquid is made or produced by any Process of Brewing or Distilling or the like, or wherein Water is fouled by Tanners, Skinners, Glue 30 Makers, or Paper Makers, in the Exercise of their Business :

“ Foul
Water : ”

“ Foul Water ” means Water unwholesome for culinary Purposes, or poisonous to Fish, and includes any Liquid of the like Description, and the Words “ foul, ” “ pollute, ” and “ Pollution ” refer to such foul Water : 35

“ Foul Out-
flow : ”

“ Foul Outflow ” means and includes any foul Water or other Liquid which has been used in or comes or results from or out of any manufacturing or chemical Process or Processes of Brewing or Distilling in any Work, or from or out of any Mine, or which has passed through any Work or Mine, or has 40 been mixed with Refuse from any Work or Mine, and which flows thereout, or escapes or is discharged therefrom into any River or Stream, or drains thereinto :

“ Defecate ”

- "Defecate" applies to any Process whereby the noxious Properties of foul Water may be removed or neutralized before the Discharge of the Water into any River or Stream :
- 5 "Main Drainage Works" include, Sewers, Tanks, Outlets, "Drainage Works :"
 Sluices, Tunnels, Engines, Drains, and other Works under this Act for extending, completing, or amending local Sewers and Works of Outfall or Distribution or Discharge
- "Board" means a Board appointed under this Act : "Board :"
- "Surveyor" includes any Engineer or like Officer of the Board : "Surveyor :"
- 10 "Local Sewer Authority" includes all Municipal Corporations, "Local Sewer Authority :"
 Improvement Commissioners, Sewer Commissioners, Trustees, Local Boards of Health, Local Government Boards, or other Bodies, however designated, having charge over the Sewerage of Towns or populous Places, and Power to levy Sewer Rates therein under any Public or Local Act of Parliament :
- 15 "Secretary of State" means One of Her Majesty's Principal Secretaries of State : "Secretary of State :"
- "Treasury" means the Lord High Treasurer or Lords Commissioners of Her Majesty's Treasury : "Treasury :"
- 20 "Owner and Lessee" include reputed Owner and Lessee ; and the Word "Owner" (except for the Purpose of the Provisions of this Act requiring Notice to be served on Owners of Land before Application for a Provisional Order to exercise Powers for the compulsory Acquisition of Land) means the Person
- 25 for the Time being receiving the Rackrent of the Lands or Premises in connexion with which the Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would if the same were let receive such Rackrent : "Rackrent :"
- 30 "Rackrent" means a Rent of not less than Two Thirds of the net annual Value of Premises : "Rackrent :"
- "Premises" includes all Messuages, Tenements, and Lands, "Premises."
 whether such Lands be open or inclosed or built upon, and whether such Premises be public or private.

35 **3.** And such Provisions are distributed in Parts relating to Subjects thus :

- PART I.—*Superintending Inspectors.*
- PART II.—*Formation of Main Drainage Districts.*
- PART III.—*Constitution of Protection Boards.*
- 40 PART IV.—*Meetings and Proceedings of Protection Boards.*
- PART V.—*General Powers of Boards.*
- PART VI.—*Amendments of Law as to Nuisances, and Works and Duties thereunder.*
- PART VII.—*Works of Intercommunication between Local Sewer Districts.*
- 45

PART VIII.—*Works Approval, Obstructions, Contracts, Notices.*

PART IX.—*Officers and Byelaws.*

PART X.—*Funds, Loans, and Accounts.*

PART XI.—*Common Provisions as to Legal Proceedings.* 5

PART XII.—*Indemnity and Compensation Provisions.*

PART XIII.—*Home Office Control.*

PART XIV.—*Extra limitary and collateral Works.*

PART XV.—*Savings and Transitory Provisions.*

PART I.

10

*Superintend-
ents.*

Home Office Superintendence by Inspectors.

Under the Secretary of State Protection of Rivers vested in Boards for Watershed, and in local Sewer Authorities under them.

4. Subject to the Control of the Secretary of State, the Protection and Conservancy of the Waters and Channels of Rivers and Streams tributary thereto, and the Regulation of the Outfalls, Outflows, and Drains thereinto, shall belong to Boards of Protectors elected 15 or appointed for Main Drainage Districts comprising the whole or Part of the Watershed Areas of such Rivers separately, or of more than One such River jointly; and under such Boards to the Local Sewer Authorities, in manner herein-after appearing.

Secretary of State to appoint Superintending Inspectors.

5. For his Aid in exercising the Powers of Control herein given, 20 the Secretary of State may from Time to Time appoint any Persons to be and be styled Superintending Inspectors of Fresh Waters, and herein-after named or referred to as Superintending Inspectors, and from Time to Time at his Discretion remove any of such Inspectors, and upon any Vacancy in the Office by Death, Removal, or 25 otherwise appoint, if he see fit, some other fit Persons thereto; but no more than Ten Superintending Inspectors shall be appointed to act at any One Time, and of these Five shall be Members of the Institution of Civil Engineers in Great George Street, Westminster. 30

Occasional Inspectors.

6. The Secretary of State, subject to the Approval of the Treasury, may confer on any Person or Persons to be employed as occasional Superintending Inspector or Inspectors, either jointly with any Superintending Inspector or alone, all or such of the Powers or Authorities hereby given to Superintending Inspectors, 35 to be exercised at such Places, for such Periods, under such Circumstances, and subject to such Regulations as such Secretary of State directs.

Inspectors Appointment to be published.

7. Notice of the Appointment of every Superintending Inspector and occasional Superintending Inspector shall be published in the 40 London

London Gazette, and a Copy of the Gazette containing such Notice shall be Evidence of the Appointment made.

8. Subject to the Regulations of the Treasury an Office or Offices of Business shall be provided for the Superintending Inspectors, and
5 Clerks, Messengers, and Servants shall be appointed to assist them in their Duties.

9. *The Salaries and Remunerations of the Superintending Inspectors, occasional Inspectors, Clerks, Messengers, Servants, and Officers shall be fixed by the Treasury, and be defrayed out of the*
10 *Consolidated Fund.*

10. Every Superintending Inspector shall during the Month of January in the Year after his Appointment, and succeeding Years, make a general Report in Writing to the Secretary of State of his Proceedings during the preceding Year, and a Copy of such Report
15 shall be laid before both Houses of Parliament within *Six Weeks* after the Receipt thereof, if Parliament be then sitting, and otherwise within *Six Weeks* after next Meeting of Parliament.

11. For the Purposes of their Survey under this Act the Superintending Inspectors shall have all the Powers which under an
20 Act passed in the Session held in the Fourth and Fifth Years of the present Reign intituled "An Act to authorize and facilitate
" the Completion of a Survey of Great Britain, Berwick-upon-
" Tweed, and the Isle of Man " any Officers or Persons appointed by or acting under the Orders of the Master-General of the Board
25 of Ordnance have for the Purposes of making and carrying on any Survey authorized by that Act; and all the Provisions of the same Act in anywise relating to any such Survey shall be deemed to apply, so far as they are applicable, to any Survey which may be directed by the Secretary of State under this Act; but the Ex-
30 penses incurred by the Secretary of State in and about such Survey and Inspection shall be defrayed in manner herein-after mentioned; and the Decision of Justices at Petty Sessions on a Question of Satisfaction for Damages in the Execution of this Act shall not be subject to Appeal; and in and about such Survey the Superin-
35 tendent Inspectors may obtain such Aid as herein-after mentioned.

12. Any Superintending Inspector, in pursuance of this Act, may by Summons under his Hand require to appear before him any Person whomsoever, and examine him upon Oath or otherwise, touching any Matter relating to the Purposes of any Inquiry under
40 this Act; and by any such Summons any of the following Officers

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or

Offices of Business.

Superintending Inspectors, &c. Salary.

Annual Report to Secretary of State.

Superintending Inspectors Powers of Entry. 4 & 5 Vict. c. 30.

Ordnance Survey.

Superintending Inspectors Power of Examination.

or Persons may be required to produce before the Superintending Inspector Private Acts of Parliament, Surveys, Plans, Sections, Rules, Books, Decrees, Inquisitions, or other like Documents (not being Accounts of Receipt and Expenditure or Muniments of Title) which may, by reason of their Office, be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry, namely,

Clerks of the Peace, Parochial or Union Officers of or acting under any Corporation, Guardians, or Directors of the Poor; Commissioners, Trustees, Members, or Officers of any Local Board, Commission, or Authority, Highway Board, Turnpike Road or Bridge; Officer or Member of any Waterworks, Canal, or other Navigation, Railway, or other Company established by Authority of Parliament; Commissioners or Persons acting under any Commission of Sewers or under any Act or Order for the Drainage, Reclamation, Embankment, or Inclosure of Land, or for the Regulation, Conservancy, Possession, or Management of any River, Port, or Harbour; Persons having Jurisdiction under any General or Local Act of Parliament in force within the District and affecting the Premises;

And the Superintending Inspector may examine or take Copies or Extracts of or from any such Documents.

But no Person shall be required, in obedience to such Summons, to go or travel more than Ten Miles from the Place of his Abode; and no Person shall be required to give or to produce Evidence unless the reasonable Charges of his Attendance have been paid or tendered to him.

PART II.

Formation of Main Drainage Districts.

District Formation.

Proceedings to define Area of Main Drainage District.

Inquiry by Superintending Inspector.

13. The Area of a Main Drainage District shall be the Watershed Area of a River, or of Two or more Rivers or some Part or Parts of such Area, and shall be ascertained and determined as herein-after directed.

14. The Secretary of State shall direct a Superintending Inspector (or several Inspectors) in respect of each River, or of several Rivers together or of Part or Parts of such River or Rivers (herein comprehended under the One Term River); to proceed to any Place or Places seated thereon or near thereto, or any Tributary thereof, in order to make public Inquiry and local Examination into the following

(1.) The State of the Waters, Beds, Channels, and Banks of such River and Streams :

- [3.] A 4 Stream,

Stream, and the Extent thereof so far as the Inspector or Inspectors may be able to estimate the same :

- (14.) Whether any Places in the District can be combined together for the Execution of Joint Drainage Works, and how and under what Management and Regulations the same might be established and carried on, and the probable Results in Way of Profit or otherwise therefrom : 5
- (15.) The Mode which it appears to be most fair and equitable that the Expense of the Works and Services of the Board should be raised : 10
- (16.) In case of the proposed Main Drainage District being the inland Portion of a River and its Watershed, what Works of Connexion or Extension with or into the Parts below of the Watershed Area would be required ; and any other Matters and Circumstances in respect whereof the Secretary of State may desire to be informed in order to judge of the Propriety of making a Provisional Order as herein-after mentioned. 15

Notice of the Inquiry.

15. Before proceeding upon the Inquiry, the Inspector shall give *Fourteen Days* public Notice of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him on the Subject of the Inquiry, and he shall conduct the Inquiry in such Manner as he thinks proper.

Report.

16. After the Completion of his Inquiry, the Inspector shall make a Report in Writing to the Secretary of State on the Matters referred to him, and any other Matter connected therewith which he may deem of Importance to be known to the Secretary of State. 25

Map of District.

17. To the Report of the Superintending Inspector shall be annexed a Map of the intended Main Drainage District, and on such Map the proposed Area of Taxation and Representation shall be distinguished, and thereon, or by other Means, an accurate Description given of the proposed Electoral Sub-Districts. 30

In the making of such Map and Survey the Superintending Inspector may use any Ordnance or other Public Map or Plan ; and he may engage the Services of the Officers of Her Majesty's Ordnance or other competent Persons on such Terms as shall be sanctioned by the Secretary of State to make or complete such Survey or Map. 35

Such Map shall be deposited together with the Report and be open to public Inspection in like Manner. 40

Publication of Report.

18. The Secretary of State shall cause Copies of the Report so made to be deposited for public Inspection at some convenient Place and

and at reasonable Times, for a Period not less than One Month, and shall advertise in a Newspaper such Deposit, with a Notification that within a certain Time not being less than One Month, written Statements may be forwarded to the Secretary of State as to any Fact or Matter contained in or omitted from the Report, and as to the Measures of Amendment proposed or recommended therein. As soon as convenient after such Statements are received they shall be deposited with such Report, by Order of the Secretary of State, and therewith be open for public Inspection.

10 **19.** The Secretary of State may, on considering such Report and the Objections, if any, thereto, direct further Inquiry on the Subject at the same or a different Place or Places, for the same or a different Area; and upon such Inquiry the like Proceedings as aforesaid shall be had, and so as often as the Secretary of State judges
15 necessary.

20. The Secretary of State may if he thinks fit make and issue a Provisional Order in relation to all or certain of the Matters mentioned in the Report in accordance with the Recommendations thereof, or with such Alteration of Boundaries or other Modifications and under such Conditions as he may think requisite, but such Order to be confirmed by Parliament as herein-after mentioned; and such Order shall refer to a Map defining the District.

21. And with respect to the future Execution of Local or Private Acts in the District to be so formed, the Provisional Order constituting a District, or any subsequent Provisional Order may contain Provisions for the Repeal, Amendment, Extension, or Execution after the Confirmation by Parliament of the Order, of any Local or Private Act in force within any Part of the District having relation to the Purposes of this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, Bodies, or Individuals for their own pecuniary Benefit ;

And also for the Repeal, Amendment, Extension, and future Execution of any Local or Private Act conferring such Powers, or Privileges, if such Corporations, Companies, Undertakers, or Individuals give Consent thereto, such Consent to be expressed in Writing as follows:

- (1.) In the Case of a Corporation under their Common Seal
affixed at a Special Meeting in that Behalf:
- (2.) In the Case of a Company, Undertakers, Commissioners,
Conservators, Trustees, or other Persons organized to
assemble together for administering their Concerns by
- [3.] B a Reso-

a Resolution of the Majority present at a Special Meeting, whereof a Copy shall be certified under the Hand of their Clerk or Agent :

- (3.) In the Case of Individuals not so organized, by Resolution of a Meeting called as herein-under provided : 5

Meetings of
Proprietors
interested
under Pri-
vate Acts.

(1.) The Superintending Inspector may for the Purpose of obtaining such Consent to convene Meetings of the Persons concerned, on serving Notices on them in manner in the Notice Clause herein specified, of the Time, Place, and Subject of such Meetings, and do all such Matters and 10 Things as may be expedient for that Purpose.

(2.) In case of any such Meeting being held, the Persons present shall elect a Chairman, and a Declaration of the Chairman that the Opinion of the Meeting is in favour of or against any such Resolution, as the Case may be, 15 shall in the Absence of Proof to the contrary be sufficient Evidence that the Resolution passed.

(3.) The Superintending Inspector may attend any such Meeting.

Expenses of
Inquiry.

22. The Expenses of the Provisional Order or Orders shall be 20 defrayed in manner herein-after mentioned, and the Expenses of such Inquiry, Survey, and Maps, in manner like thereunto.

PART III.

Protection Boards.

*Protection
Boards.*

23. With respect to Protection Boards, subject to any Provisions 25 made to the contrary in the Provisional Order constituting a Main Drainage District, the following Regulations shall apply ;

Name of
Board.

- (1.) Such Board shall be called " the (naming the River) Waters' Protection Board : "

Board to be
a Corpora-
tion.
Common
Seal.

- (2.) Such Board shall be a Body Corporate, with perpetual Suc- 30 cession and with a Common Seal, and shall be entitled to sue and be susceptible of being sued as such ; and shall have a Capacity to take and hold Lands for the Purposes of this Act :

Provisional
Board.

- (3.) The First Board shall be provisional, and the Members thereof 35 shall be named or officially designated in the Provisional Order, and such Order shall fix the Time and Place of the First Meeting of the Board ; the Mode of summoning subsequent Meetings ; and the Time at which the Members of the First Board are to vacate their 40 Office :

(4.) Pro-

(4.) Provided that, until the Election of a Representative Board as after mentioned, the Provisional Board of Protection shall remain in Office and exercise all the Duties and Powers of Protectors under this Act, and that if during such Period any of the Provisional Protectors die or resign, or be disqualified, or refuse or cease to be a Protector, the remaining Protectors may, if they think fit, appoint another Protector in his Place.

(5.) The Provisional Order shall also fix the Number of Representative Members, and specify for what Sub-Districts, and by whom, they are to be appointed or returned, and shall fix the Day for the First Election or Return.

24. Subject to any Provisions made to the contrary in the Provisional Order constituting the District, the following Rules shall be observed with respect to the Representatives of Electoral Sub-Districts to the Protection Board :

(1.) In an Electoral Sub-District exclusively consisting of the District of a Local Board, (whether Board of Health, Local Government Board, or Improvement Commissioners, or like Body, having Care of Town Sewers,) the Local Board shall select out of their own Number some Person to be their Member at the Board :

(2.) In a Sub-District exclusively consisting of One Corporate Borough, the Town Council shall select out of their own Number some Person to be their Member at the Board :

(3.) In a Sub-District consisting of One District and Part of another, or of Two or more Districts, or Parts of Districts under Local Boards, (whether so-called Improvement Commissioners or like Bodies, having the Authority or Care over Town Sewers), each of such Boards or Bodies shall select One of their Number; and such selected Persons, together with the Chairmen for the Time being of the Boards, shall meet together in manner herein-after mentioned, and select some Person being so qualified to be a Member of either Board, to be the Member for such Sub-District at the Board :

(4.) In a Sub-District exclusively consisting of Two or more such Boroughs, or of Parts thereof, or of One or more of such Boroughs and Parts of another or others, each of the Town Councils of the respective Boroughs concerned in whole or in part shall select a Person out of their Number respectively; and such selected Persons, together with the Mayors for the Time being of the Boroughs so concerned, shall meet together in manner herein-after mentioned, and appoint a Person being a Town Councillor of the

[3.] B 2 Boroughs,

Boroughs, or One of them, to be the Member for such Sub-District at the Board :

Borough and
Local Board
District.

- (5.) In a Sub-District consisting of a Borough or Boroughs, and the District or Districts of a Local Board, (whether so-called or Improvement Commissioners or like Body,) or 5 of Part or Parts of such Boroughs or Districts, the Town Council or Councils of the Borough or Boroughs, the whole or Part whereof is concerned, and the Local Board or Boards of the District or Districts so concerned, shall each select a Person out of their Number respectively ; and the 10 Persons so selected, together with the Mayor or Mayors for the Time being of the Borough or Boroughs so concerned, and the Chairman or Chairmen of the Board or Boards of the District or Districts so concerned shall meet together in manner herein-after mentioned, and appoint a 15 Person being Town Councillor of any such Borough, or Member of any such Local Board, to be the Member for such Sub-District at the Board :

Borough or
Local Board
Districts and
Places with-
out.

- (6.) In a Sub-District consisting of a Borough or Boroughs, or Part or Parts thereof, or a District or Districts of a Local 20 Board, (whether so called or Improvement Commissioners or like Body), or Part or Parts thereof, and of a Parish or Place or Places, not being within or Part of any Borough or District of a Local Board, or the like, or any Part thereof,) the Town Council or Councils of the Borough 25 or Boroughs, and the Board or Boards of the District or Districts, the whole or Part whereof is concerned, shall each select a Person of their Number respectively : And the Inhabitants of the Parish or like Place in whole or part concerned lying without such Borough or Local 30 District at their Meeting for the Appointment of Overseers yearly shall select a Person, or in case of several Parishes or like Places so concerned, several Persons, respectively : And the Persons so selected by or for the component Places of such Sub-District shall meet together 35 in manner herein-after mentioned, and appoint any Person they think fit to be the Member for such Sub-District at the Board.

Mode of
convening
Meetings.

25. The Meetings for appointing Protectors of such selected and ex-officio Electors for Sub-Districts consisting of Local Board 40 Districts or other Sub-Districts as aforesaid, shall be convened as follows :

- (1.) The Clerk for One of the Corporation or Local Boards, or the like, shall communicate with the Clerk or Clerks (if any, of

of the other or others of them, and arrange with him or them the Time of such Meeting of the Mayors, Chairmen, and selected Persons, as aforesaid :

For Sub-District Elections.

(2.) And when such Arrangement has been made, and in Cases where Parishes or like Places are concerned forthwith, Notice of the Time, Place, and Object of Meeting shall be given by such Clerks respectively, or such Clerk to such selected and ex-officio Electors :

(3.) Every Appointment to be made by selected and ex-officio Electors as aforesaid shall be determined by the Votes of the Majority of the Electors present at the Meeting; and every such Meeting shall, before proceeding to the Appointment, choose a Chairman who shall preside thereat, and shall in case of Equality of Votes have a Second or Casting Vote.

26. The Town Council, Local Board, (whether so called, or Improvement Commissioners, or like Body,) and selected and ex-officio Electors respectively may at any like Meeting at any Time remove any Protector appointed by them respectively or conjointly as aforesaid, and in like Manner appoint another in his Place having the like Qualification, if any be required; and if any appointed Protector die or resign, or refuse or cease to be a Protector, or to be a Member of the Body appointing him (if requisite) the Town Council or Local Board or selected and ex-officio Electors concerned respectively or jointly, may in like Manner appoint another Protector to supply the Vacancy.

Supply of Vacancies.

27. In a Sub-District consisting of any like Parish or Place or Places other than those above mentioned, the Ratepayers and Owners of Property of such Parish or Place, or (if more than One) of each such Parish or Place, shall at their Meetings respectively in each Year for the Nomination of Overseers name to the Justices of Peace of the Petty Sessional Division wherein the Sub-District or the greater Part thereof is situate, in Writing One or more Persons fit to be Members of the Board, and from the List or any One of the Lists so made the Member for the Board for the Sub-District may be selected by the Justices at the Meetings for appointing Overseers yearly: Such selected Person shall hold his Office for One Year, and until the Appointment of a new Member be made by such Justices at the yearly Appointment of Overseers out of any Lists so made; in case any Person so appointed die or resign, or refuse or cease to be a Protector, the Justices at any Petty Sessions, after having received Notice thereof from their Clerk or from the Protection Board, may appoint another Protector to supply the Vacancy out of the Persons named in the same List or Lists.

In Sub-Districts of Parishes Justices to appoint out of List made at Parish Meeting.

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28. Where

Representa-
tion to
Proprietary
Bodies.

28. Where any Proprietary Company, Corporation, or Undertakers or Person is empowered by the Provisional Order to return a Member to the Board, the Company, Corporation, or Undertakers at a Special Meeting, and the Person appointed shall appoint some Person to be such Member, and may at any Time in like 5 Manner remove the Protector so appointed and appoint another in his Place; and in case of his Death, Resignation, refusing or ceasing to be a Protector, may supply the Vacancy thereby occasioned. When several such Interests are conjoined for Representation, the Regulations of the Provisional Order in that Behalf are to obtain. 10

29. All Appointments of Members are to be certified to the Board, as follows :

- (1.) If made by Town Councils, Local Boards or the like, Corporations, Companies, or Undertakers, under the Seal of the Borough or of such Local Board or the like Corpora- 15 tions, Companies, or Undertakers :
- (2.) If made by selected and ex-officio Electors for such Town Councils, Boards or the like, or Parishes or Places or the like as aforesaid, to be certified under the Hands of a Majority of the Electors : 20
- (3.) If made by Justices of the Peace, to be certified by the Clerk to such Justices :
- (4.) If made by other Persons, to be certified under their Hands.

Power for
Secretary of
State to alter
Area of Re-
presentation

30. Upon the Application of the Board, and after such Inquiry and Notice as he may think proper, the Secretary of State may, by 25 Order under his Hand, from Time to Time as he may deem expedient, enlarge or lessen the Area of Representation so as to be as near as conveniently may be coincident with the Area of Taxation within the Main Drainage District, and thereupon or therewith, or thereafter, may make such Alteration or Addition of Electoral Sub-Districts 30 or Interests, and prescribe such Regulations as to the Mode of Representation therein as the Case may require.

PART IV.

Meetings.

Meetings and Proceedings of Protection Boards.

Routine of
Proceedings
of Boards.

31. Protection Boards shall act at Meetings and by Committees 35 in manner herein-after mentioned ; and with respect to Meetings of such Boards and Proceedings thereat, subject to any Provisions made to the contrary in the Provisional Order constituting the District, the following Regulations shall apply :

Period of
Meetings :

- (1.) The Meetings of the Board may be held monthly or quarterly 40 when and at such Places as the Board may from Time to Time

Time appoint, and in default of such Appointment the General :
Meetings shall be held quarterly : Occasional Meetings for
Special Business may be called and held in manner to be Special :
fixed by Byelaws of the Board :

- 5 (2.) The Board shall hold an Annual Meeting on a Day to be Board.
fixed in the Provisional Order :
- (3.) No Business (except an Adjournment thereof) shall be trans- Quorum.
acted at any Meeting unless at least Three Members are
present at the Commencement and Close of such Business :
- 10 (4.) No Order involving an Expenditure of more than Two Notice of
hundred Pounds shall be made at a Meeting, unless at Order of
the least One Month's previous Notice, specifying the Outlay.
Work to be undertaken, or the other Matter to which such
Order relates, and naming a Day on which a Meeting of
15 the Board is to be held for considering the Matter to be
ordered, has been sent by Circular to each Member of the
Board :
- (5.) All Questions shall be decided by a Majority of Votes of the Majority to
Members present : decide.
- 20 (6.) The Provisional Board shall at their First Meeting appoint Chairman of
One of their Number to be their Chairman, and may renew Provisional
such Appointment if he should die or resign his Office : Board.
- (7.) The Representative Board shall at their First Meeting, and Represent-
afterwards from Time to Time at their Annual Meeting, tion.
25 appoint One of their Number to be Chairman for the Year
following such Choice :
- (8.) If any casual Vacancy occurs in the Office of such Chairman, Vacancy.
the Board shall, as soon as they conveniently can after the
Occurrence fill such Vacancy ; and every such Chairman
30 so elected as last aforesaid, shall continue in Office so long
only as the Person in whose Place he may be so elected
would have been entitled to continue if such Vacancy had
not happened :
- (9.) If at any Meeting either Chairman is not present at the Time Chairman
35 appointed for holding the same, the Members present shall pro tempore.
choose some One of their Number to be Chairman of such
Meeting :
- (10.) In case of an Equality of Votes at any Meeting, the Chairman
for the Time being of such Meeting shall have a Second
40 or Casting Vote :
- (11.) With the Sanction of the Secretary of State the Chairman Chairman's
of the Representative Board may receive a Salary from Salary.
the Board :
- (12.) In case of Failure of making any Appointment of Members
45 to the Board, and during any Vacancy of Members in the
[3.] B 4 Board

Board, the other or continuing Members shall act as if such Failure or Vacancy had not occurred :

Disqualifica-
tion from
Insolvency :

- (13.) If a Member of a Board is adjudged bankrupt, or applies to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or becomes subject to such Act, or compounds with his Creditors, such Person shall cease to be a Member of the Board, and his Office shall thereupon be vacant: 5

From con-
tracting.

- (14.) If any Member of the Board accept or hold any Office or Place of Profit under the Board, or be in any Manner concerned in any Bargain or Contract entered into by the Board, or participate in the Profit of any such Contract, or of any Work done under the Authority of the Act in or for the Sub-District for which he is a Member, he shall cease to be such Member, and a Vacancy shall thereupon arise; but no Member shall vacate his Office by reason of his being interested in any Sale or Lease of Lands or any Loan of Money to the Board, or by reason of his being interested in any Contract with the Board as a Shareholder in any Company established under the Provisions of the Joint Stock Companies Act, with or without a limited Liability; and no Person who is a Proprietor, Shareholder, or Member of any Water Company, or Company or Concern for carrying on of any other Works of a like public Nature, shall be disabled from being or continuing to act as a Member of the Board by reason of any Contract entered into between the Company and the Board; but such Person shall not vote at the Board upon any Question in which the Company is interested; nevertheless the Secretary of State may in any Case dispense with this last Prohibition: 10 15 20 25 30

Penalty for
acting when
disqualified.

- (15.) Any Person who acts as a Member of a Board after he has become disqualified shall incur a Penalty not exceeding Fifty Pounds, and in any Proceeding for the Recovery of such Penalty the Burden of proving Qualification shall be upon the Person against whom such Proceeding is taken: 35
- (16.) All Acts done by any Meeting of the Board, or by and Person acting as a Member of a Board, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Constitution or Appointment of the Board or such Persons acting as aforesaid, or that they or any of them were or was incompetent or disqualified, be as valid as if such Board and Person had been duly constituted and were not disqualified: 40

32. And

32. And with respect to Committees, the Board may appoint One or more Committee or Committees consisting each of not less than Three Protectors for carrying into effect all or any of the Provisions of this Act in the District or any Places or Parts thereof to be in that Behalf assigned ; and the Board may delegate to any such Committee, and direct the Execution of any of the Powers of this Act in the District or assigned Part, and appoint the Period for which the Committee is to act, not exceeding One Year after its Appointment, and appoint any Officers to attend any such Committee ; and at the Expiration of such Period, or sooner, the Board if they think fit may continue, alter, or discontinue any such Committee.

The Committee so formed, shall, in exercise of the Powers delegated, conform to any Rules imposed on them.

15 A Committee may from Time to Time elect a Chairman of their Meetings ; if no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting. A Committee may meet and adjourn as they think proper ; Questions at any Meeting shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote.

33. The Board and the Committee respectively shall cause Minutes of Minutes to be made by their Clerk or Person acting as such, Proceedings. in Books provided for that Purpose,—

- (1.) Of all the Appointments of Officers made by the Board :
- (2.) Of the Names of the Members present at each Meeting of the Board and Committees of the Board :
- (3.) Of all Orders made by the Board, and Committees of the Board ; and
- (4.) Of all Resolutions and Proceedings of Meetings of the Board and of Committees of the Board.

And any such Minutes as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of the Board or Committee of the Board, shall be receivable in Evidence, without any further Proof.

PART V.

General Powers of the Board.

34. With respect to the General Powers of the Board, the Board may, within its District, in the Execution of such Works, General enabling Powers to make Works.
[3.] C Matters,

Matters, and Things as are or shall be specified in the Provisional Order, or in this Act, called "authorized Works," do the Acts under the Restrictions herein-after specified.

Works on
Rivers.

35. For the Purpose of freeing from Pollution and Obstruction the River and Streams and of executing authorized Works, it shall 5
be lawful for the Board,—

To enter and work in and upon the Bed, Channel, Soil, and Bank and Foreshore of the River or Streams thereof:

To embank, deepen, straighten, or divert the Course of the River or Stream: 10

To alter the Course of or drain off the Water of the River or Stream for such Time as may be deemed necessary for laying or completing Pipes or Passages for Sewage Water over, along, or under the same:

To erect and make Banks, Sluices, and Works, and to regulate the opening and closing of Sluices and the like for Outlets from their Works, and for avoiding, abating, or removing Floods on the Rivers or Streams: 15

Provisoes for
Protection of
Navigation
Rivers, &c.

But the foregoing Works and Operations are to be done with convenient Dispatch and without injuring or endangering the Foundation 20
or Wall of any Building now erected or to be hereafter lawfully erected, adjoining or upon such River or Stream, or any Towing-path, Lock and Wall, or other Work thereon; such Works are not to be done so as to close the Passage of a navigable River at any
Time or by Diversion of Waters or otherwise to render any Canal or 25
Cut unnavigable: And before any such Alteration which might obstruct or injuriously affect the Water of any Canal or belonging to a Mill or to any Building used as a Manufactory or the like, One Month's Notice in Writing shall be given to the Proprietors or Occupiers thereof unless the Emergency of the Work preclude 30
such Notice.

Mill Power.

Section 12
of Harbours,
&c. Clauses
Act incorporated.

And in so far as respects Works in tidal Waters the 12th Section of the Harbours, Docks, and Piers Clauses Act, 1847, shall be incorporated with this Act.

Means of
Access to
Shore, or
River, or
Stream.

During the Construction of any such Works, and during the 35
Execution of Répairs thereon at all Times thereafter, the Board shall make and maintain and allow to be used by all Persons concerned at all Times, free of Charge, all such Footways and Carriage-ways over or across their Works or on a Level therewith as are requisite for their Access to or from such River or Stream and the 40
Lands adjacent thereto.

Supply of
Water to be
made good.

And where the Supply of Water to any Houses, Lands, or Premises is, during the Construction of Works to any River or Stream,

Stream, taken away, or reduced, or spoiled, other Means of Water Supply to such Premises shall be provided by the Board. And if by any Works on or about a River or Stream the Drainage of the adjoining Houses, Lands, or Premises is obstructed other sufficient Means of Drainage shall be provided.

Means of Drainage to be made good.

5 Means of Drainage shall be provided.

Compensation shall be given in respect of Loss of Water or other Injury to the Mills, Manufactories, Lands, and Premises adjoining such River or Stream occasioned by such Works, such Compensation to be settled by Justices, or by Arbitration, at the Option of the Party concerned.

Compensation.

10 Option of the Party concerned.

But no Compensation shall be given for Water under this Act diverted, carried off, used, or exhausted for the Purpose of the Defecation thereof, or to avoid Pollution thereby of any River or Stream.

Not for first Water exhausted, &c.

15 In the Case of Streams being private Property the like Conditions as to Entry as are hereunder prescribed for Entry and Works on private Lands shall apply.

Entry on private Streams.

36. The Board within their District shall have and may exercise all such Powers in respect to Drainage Works under their Charge as by the Public General Statutes for the Time being in force relating to Sewers are conferred upon any Court or Commission of Sewers, but no Rate or Tax shall be thereunder levied by the Board.

To exercise General Powers of Commissioners of Sewers.

Where such Powers are concurrent with those given by this Act either Class of Powers may be resorted to.

25 The Powers of such Sewers' Statutes Acts as to doing or directing Works, removing or repairing Nuisances or Defaults, are to be exercised by the Board upon Information or Presentment of their Surveyor without any Jury or other Presentment.

37. The Board may, for the Execution of authorized Works, exercise anywhere within their District for the Benefit thereof, and of any local Districts or Places therein, the Powers in and by the Public Health Act, 1848, the Local Government Act, 1858, or any Act or Acts for amending the same given to Local Boards for Sale, Distribution, or dealing with Sewage, subject to the Restrictions therein-after mentioned.

Powers of Public Health Act and Local Government Acts as to Sewage Distribution.

38. The Board may, for the Purpose of any Survey required by them, and during the Construction of any Works by them under this Act, and so far as is necessary for the due Execution of such Works, do or cause to be done the following Acts in reference to

Auxiliary Powers over Streets.

40 Streets, Roads or Ways, Turnpike Roads, Railways and Canals, and

[3.]

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Bridges,

Bridges, River Banks, and Premises, subject to the Restrictions thereto annexed or referred to:

- (1.) To lay on the Banks Scourings and Refuse collected by them from the River or Streams :
- (2.) To place, lay, work, and manufacture the Materials and Machinery necessary for making, maintaining, or repairing Drainage Works in or upon adjoining Premises for the Purpose of temporary Deposit until the same can be conveniently removed or used :
- (3.) To stop and break up all or Part of the Carriage or Foot Way of Streets, Roads, or Ways under the Jurisdiction of Local Boards, Improvement Commissioners, Highway Boards, or other Authority for Roads, and to lay and make Pipes and Sewers thereunder :

But Three Days previous Notice, with a full Description of the intended Works, is to be left at the Office of the Authorities of the Board, or their Clerk, or left with the Surveyor of the Roads : The Traffic of the Road shall not to be stopped or hindered along more than Half of its Width at One Time :

All Openings for Works on the Roads to be fenced and during Night to be fixed and maintained :

The Authorities of the Road are hereby absolved from all Liability in respect of any Accident arising in consequence of such Works :

And, so far as the Works effect the same, the Board shall make good all Drainage, Paving, or Water Channels, Kerbs or Foot-paths, and other Matters and Things connected with the Maintenance of the Road ; and in default the Surveyor of the Road may cause the necessary Work to be done : And all Expenses incurred by any such Surveyor through such Default by the Board shall be paid to the Commissioners, or Trustees, or Authority of the Road, on Demand.

Pipe Way.

The Provisions of the Waterworks Clauses Act, 1847, with respect to the breaking up of Streets and Ways for Purposes of laying Pipes, whether in the District or not, shall be incorporated with this Act ; by the " Company " therein mentioned being understood the Board.

Railways.

- (4.) To lay or construct any Pipe or Sewer under or across any Railway or Canal, Dock, or Harbour, or other Work in the Hands of a Company or Undertakers or Trustees or the like Proprietary :

But before commencing such Works the Board shall give Notice in Writing of their Intention so to do to the Proprietary, and shall together with such Notice deliver a Plan and Section showing the Nature of such Interference, and if within Seven

Writing

Days after the Receipt of such Notice the Proprietary shall by Writing addressed to the Board or the Surveyor or Clerk object to the Manner in which it is intended to interfere with the Railway, Canal, Dock, Harbour, or other Work respectively on account of the probable Interruption or endangering of the Traffic thereon or Business thereof, the same Works shall not be commenced :

And it shall thereupon be referred to an Engineer to be appointed by the Board of Trade, on the Application of either Party, to determine the Manner of executing the said Works, and the Determination come to by such Engineer shall be binding on both Parties : But it shall not be lawful for the Board to alter the Level of any Railway or Canal unless with the Consent of the Company owning the same respectively, or, if that be refused, with the Consent of the Board of Trade :

And provided also, that Compensation for the taking or injuriously affecting of any Land or Property of any Railway or Canal Company, or for or by reason of the Interruption of any Traffic on their Railway or Canal, or for any Damages, Costs, or Expenses which such Company may be required to pay in consequence of such Interruption, be given to such Company under this Act :

(5.) To take down, repair, rebuild, or alter any existing Bridge, Culvert, or Archway for the Passage or Discharge of Water under any public Road or other Place :

To rebuild Bridges.

But the Board is to construct a temporary Bridge, Culvert, or Archway in the Place of that so to be taken down, removed, or altered, and to support and maintain the same until the Completion of the Works necessary for the Restoration to public Use of such Bridge, Culvert, or Archway. And where an existing Bridge, Culvert, or Archway is taken down and removed the Board is to construct a new Bridge, Culvert, or Archway, with the necessary Roads of Approach thereto respectively, according to such Plan, Specification, and Estimate as shall have been submitted to and approved by the Surveyor of the County or other Body having Authority over such Bridge, Culvert, or Archway.

39. Upon giving reasonable Notice to the Owners of Gas Pipes, Water Pipes, Tramways, and Telegraph Wires, the Board may require them to raise, sink, or alter the Site of such Pipes, Ways, or Wires according to a Plan and Directions to be furnished by the Board, the Expense of such Alteration to be borne by the Board ; if the Notice is not complied with, the Board may make the Alteration required.

Board may require Gas Companies, &c. to alter Pipes.

- To enter on private Lands for Survey. Restrictions. **40.** The Board may enter on and lay open any such Lands and Premises for the Purpose of Survey or Examination, and to make, lay, or carry Pipes or Sewers into, through, or under the same. Provided that, except in Cases of Emergency, One Day's previous Notice in Writing be given to the Occupier of such Lands and Premises, and in the Case of Works that the Report of the Surveyor of the Board that such Passage in or through the Lands and Premises is necessary and be first obtained; if the Occupier should object in Writing to such Entry, Examination, or Works, Application shall be made to Two Justices of the Peace at a Time and Place to be mentioned in such preliminary Notice given to the Occupier, for an Order to enter, examine, lay open, and construct or lay Pipes or Works on the Lands and Premises for the Purposes of the Act, which Order, if no sufficient Cause be shown against the same, the Justices at their Petty Sessions shall make accordingly. The Entry, Examination, and Works under this Provision shall take place as far as may be in the Day Time. 5 10 15
- General Powers of Land Acquisition. **41.** The Board may acquire Land and Rights for the following Purposes : For the Formation and Protection of Works under this Act, for Offices and Buildings, Yards, Stations, Reservoirs, and Dépôts, Land for Sewage Distribution, Land for making convenient Roads or Ways to or in connexion with any Works of the Board, or which they may require during the Construction of any Works, or for Spoil Banks, or Places of Deposit of surplus Earth or other Materials in the Execution of any such Works. 20 25
- Board may take Lands for Roads, &c. Water. For Streams or Springs of Water or Rights therein for cleansing Sewers and Drains and other Purposes under this Act, or Land for obtaining Water, and for Waterworks, but nothing herein contained is to authorize the Board to supply Water for domestic or manufacturing or commercial Purposes, except as herein-after mentioned. 30
- Incorporation of Lands Clauses Consolidation Acts. **42.** For the Purchase of Land for the Purposes of this Act, the Lands Clauses Consolidation Act, 1845, (including the Act amending the same of the Twenty-fifth and Twenty-sixth Years of the present Reign, Chapter One hundred and six,) shall be incorporated with this Act, except the following Sections : 16, 17 (Capital) ; Sections 84, 85, 86, 87, 88, 89, 90, 91, Entry on Lands ; Section 123, Purchase Time Limitation and the Provisions relating to Access to the Special Act. In the Construction of that Act, this Act and the Act confirming the Provisional Order for taking the Land (if any) shall be deemed the Special Act. 35 40

The

The Board shall be deemed to be the "Promoters" of the Undertaking, and the Words "Lands" shall include any Easement in or out of Lands.

Nevertheless the Board shall not put in force the incorporated Powers for the purchasing of Land otherwise than by Agreement until they have obtained a Provisional Order confirmed by Parliament as herein-after mentioned: Previous to the Application for which Order, the Board must comply with the following Conditions:

10 (1.) The Board shall publish a Notice *once* at least in each of Notice.

Three consecutive Weeks in the Month of November in some Newspaper circulated in their District and in the Part thereof where the Land proposed to be taken is situate, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land which they require for the Purposes thereof.

15 (2.) They shall further, in the Month of December, serve Notice in manner herein-after mentioned under the "Notices Clause" on every Owner or reputed Owner, Lessee or reputed Lessee, or Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land.

20 (3.) Upon Compliance with the Conditions herein-before contained with respect to Advertisements and Notices, the Board may present a Petition under their Seal to the Secretary of State containing a Statement of the Land intended to be taken, the Purposes for which required, the Names of the Owners, Lessees, and Occupiers thereof, distinguishing those assenting or dissenting from those neuter towards or not answering the Application.

30 (4.) It shall pray that the Board may with reference to such Land be allowed to put in force the Powers of the Lands Clauses Consolidation Acts with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires.

40 Upon Receipt of such Petition and upon due Proof of the proper Advertisements having been published and Notices served, the Secretary of State shall take such Petition into consideration, and may either dismiss the same or direct an Inquiry to be made in the District after such Notice as he may prescribe, and otherwise institute such Inquiry as to the Propriety of assenting to the Prayer of such Petition as he may think requisite.

Provisional
Order for
taking Land.

After the Completion of the Inquiry the Secretary of State may by a Provisional Order empower the Board to put in force, in reference to the Land referred to in such Order, the Powers of the Lands Clauses Consolidation Acts with respect to the Purchase and taking of Land otherwise than by Agreement, either absolutely or with such Conditions and Modifications as he may think fit.

The Board shall serve a Copy of any Order so made upon the Persons and in the Manner upon whom and in which Notices in respect of taking such Land are herein-before required to be served.

Purchase of
Mill Dams,
&c. for
Removal.
Proviso for
protecting
profitable
Use of
Water.

43. The Board, by the Purchase of legal Rights and other lawful Means, may abate or remove Weirs, Dams, or Mill Ponds, for effectuating Main Drainage or other authorized Work. Provided always, that the Board shall not be entitled to remove or otherwise interfere with any Mill Dam, Weir, or other like Obstruction, wherein the Level of the Water is raised for any Milling or other Purpose of Profit, so as to injuriously affect the Supply of Water otherwise than with the Consent of the Owner of such Mill Dam, Weir, or other like Obstruction, until the following Things have been done; that is to say,

- (1.) Their Right to do so has been determined in manner herein-
after mentioned :
- (2.) Compensation has been made to all Parties entitled for the Injury they may have sustained by such Removal or Interference.

For the Purpose of determining the Right of the Board to remove or otherwise interfere with any such Dam, Weir, or other like Construction, there shall be decided, by Justices or by Arbitration, at the Option of the Owner, the Questions following :

- (1.) Whether the proposed Removal or Interference is necessary for the effectual Main Drainage of the District or other Work within the Jurisdiction of the Board :
- (2.) Whether the proposed Removal or Interference will cause any Injury to the Owner :
- (3.) Whether any Injury that may be caused by the Removal or Interference is or is not of a Nature to admit of being fully compensated for by Money.

The Consequence of any such Decision shall be as follows :

- (1.) If the Decision is that such Removal or Interference is not necessary for the effectual Main Drainage of the District or doing of any other authorized Work by the Board, the Board shall not be entitled to make the same :
- (2.) If the Decision is that such Removal or Interference is necessary for the Purpose aforesaid, but that the Injury to be caused thereby is not of a Nature to be fully compensated

sated for by Money, the Board shall not be entitled to make the same :

- (3.) If the Decision is that such Removal or Interference is necessary, and that any Injury that may be caused can be fully compensated by Money, the Board shall be at liberty to make the same upon making Compensation as herein-after mentioned.

44. Where the Decision is that the Board is entitled to remove or interfere with any such Mill Dam, Weir, or other Obstruction, the Board shall take the same Steps with respect to compensating the Parties interested as are required to be taken by the Lands Clauses Consolidation Act, 1845, herein incorporated, by Purchasers in Cases where they are authorized to purchase or take Lands by the Special Act.

Amount of Compensation how ascertained.

PART VI.

Amendments of the Law as to Nuisances in running Waters, and Powers and Duties of Protection Boards and others in furtherance thereof.

45. Nuisances to Rivers or Streams within the Meaning of this Act are the Acts and Defaults the Persons committing or permitting which incur Penalties and are subject to Prohibitions, and Works for Prevention or Removal whereof are hereby authorized in the Cases and Manner herein-after mentioned.

Water Nuisances.

46. From and after the *First Day of January One thousand eight hundred and seventy*, if any Person cause or knowingly permit any foul Outflow from, or Water fouled by or in, a Manufactory, Building, or Place used for Trade, or wherein dyeing, brewing, distilling, manufacturing, or chemical Process is used or carried on, to pass or discharge or be put into a River or Stream, mediately or immediately, he shall be liable to a Penalty of *Twenty Pounds*, and to an additional Penalty for every Day during which such Offence is continued of *Forty Shillings*. The Penalties are incurred by the Owner or Occupier of the Work, or any of them.

Fouling Water in Manufactories, &c.

- The Proceedings to be by Summary Conviction, upon the Complaint of any Superintending Inspector or a Local Inspector or Officer of the Board, or any Owner or Occupier of Land or Houses situate within Three Miles below the Point at which the foul Outflow takes place into the River or Stream, or within the tidal Influence of such Outflow (herein-after comprehended under the Term "subjacent Landowners and Occupiers").

[3.]

D

And

And in the Case of Works having such foul Outflow erected or established, or into which the Process causing the same was introduced after the Date for the general Commencement of this Act, the Owner or Occupier may, in addition to his Liability to the Penalties under this Act, be prohibited from discharging or putting 5 or permitting to pass into a River or Stream such foul Outflow in manner and except upon the Terms hereunder mentioned :

Proceedings
for Prohibition.

After Notice in Writing left at such Works or their Office, or affixed to the outer Door or Gate thereof, Seven Days previously, Application may be made to Two Justices of the Peace 10 by any Superintending Inspector or a Local Inspector or Officer of the Board. And the Two Justices at Petty Sessions may, if they think right, by their Order prohibit the Continuance of such Outflow.

And any Person knowingly or wilfully acting contrary to such 15 Order of Prohibition shall be liable for every such Offence to a Penalty not exceeding *Forty Shillings* for every Day during such Contravention; and the Board may, under the Powers given in this Act, enter the Premises to which the Order relates, and cut off or stop up the Channel of the Outflow, and do whatever may 20 be necessary in execution of such Order, and charge the Cost as Private Drainage Works Contribution to the Person on whom the Order is made, as herein provided.

Penalty for
throwing
hard Rub-
bish, &c. into
Rivers.

47. If any Person deposit, put, or throw, or knowingly cause or permit to be deposited, put, or thrown, or to fall into any River 25 or Stream any Cinders, Clinkers, Ashes, Stone, Refuse from Brick Yards, Saw Mills, Quarries, Mines, Pits, Shafts, or from the Foundation or Site of any Building, Road, Cutting, or Excavation, or any other like solid or bulky Substance, he shall be liable,—

On the First Conviction, to a Penalty not exceeding *Five Pounds* : 30

On the Second Conviction, to a Penalty not exceeding *Ten Pounds* :

On the Third and any subsequent Conviction, to a Penalty not exceeding *Twenty Pounds*.

The Penalties are incurred by the Person doing or permitting the Act, and the Owner or Occupier of the Premises from which the 35 Substance was brought or thrown out, or any of them.

The Proceedings to be by Summary Conviction upon the Information or Complaint of any Superintending Inspector, or a Local Inspector or other Officer of the Board, any lawfully constituted Conservator of the River or Stream, the Commissioners of Sewers 40 or Main Drainage Board, or any Proprietary Navigation, Railway, Dock, or Harbour Company or Undertakers, or the Trustees of any Bridge or Causeway, whose Sewers, Navigation, Structure, or Works are or liable to be interrupted, flooded, or prejudiced,
or

or injuriously affected by the Acts complained of, or any Persons acting under the Direction of any such Commissioners, Board, Company, Trustees, or Undertakers; but such Information to be laid within Three Months after the Commission of the Offence

5 But doing or causing to be done, or permitting any of the following Exceptions.
Acts shall not be deemed to fall within the foregoing Prohibition :

(1.) Constructing by lawful Authority in or across a River or Stream any Building, Dam, Weir, or other permanent Work with or without Coffer Dams.

10 (2.) Pitching or depositing Stones or other suitable solid Materials not likely to be washed away by the Stream or Current rising to the Line of an ordinary Flood at the Side or on the Banks of any River or Stream for the express and bonâ fide Purpose of reclaiming Land washed away by
15 the Action of such River or Stream or for supporting or protecting the Side or Bank thereof, or of repairing the same, or of erecting or repairing any Building, Drain, or Sewer or Watercourse upon or within the Banks or the Slopes or Walls thereof at or conveniently near to the
20 Point at which the same are so pitched and deposited.

(3.) Putting back into the River or Stream Sand or Gravel or natural Deposit which has been brought or lodged on or near the Banks by the Current of the River or Stream.

25 (4.) Allowing to fall Stones or Rubbish which in the working of any Quarries immediately adjoining any such River or Stream with ordinary and proper Care may happen to fall thereinto.

48. Subject to any Regulations made by the Board, if such Board be already formed, and to the Jurisdiction of that Board when
30 formed, the Provisions herein-before contained in Restraint of Nuisances to Rivers and Streams by foul Waters and Obstructions may be enforced by Local Authorities within the Meaning of the existing or any future Acts for the Removal of Nuisances in Places under their Jurisdiction, with the like Powers and Remedies as if the
35 above had been included among the Nuisances under such Acts removable by them. And all Expenses incurred by such Local Authorities in enforcing such Provisions may be paid out of any Rates leviable by them or applicable to the Payment of Expenses incurred by such Local Authorities under such Nuisance Removal
40 Acts.

Local Authority may enforce Provisions against Pollution.

Provided always, That in case of Nuisance to a River or Stream arising in any Place from foul Waters or foul Outflow from Works the like Course of Proceeding shall be had on the Complaint of the Local Authority before Justices in Petty Sessions with the like

Power of their making or suspending their Determination, and the like Privilege for the Party proceeded against to waive the Justices Jurisdiction or to appeal against their Determination, as are prescribed or given in the Nuisance Removal Act, 1855, in the Case of proceeding against Trade, Business Places, or Manufacture causing Effluvia within the Limits of a City, Town, or populous District.

Sewer Authorities to give Notice of Outfall Works.

49. Before any Local Sewer Authority (including therein also a Local Authority proceeding under the Nuisance Removal Act, 1855, and any Churchwardens and Overseers proceeding under the Public Health Act, 1848, Section 50,) whose District shall be within the Jurisdiction of a Protection Board, make any Work of Outfall or Discharge from their Sewers or Works into a River or Stream, such Authority shall obtain the Approval of the Board to the intended Works, and execute the same in manner herein-after mentioned.

15

Sewers Authorities to obtain Certificate or take out Licence for Outfall.

50. Before any Local Sewer Authority makes use of any such Work of Outfall or Discharge, or retains or continues beyond One Year after the Constitution of the Board the Use of an existing Outfall or Discharge, such Authority shall obtain the Certificate or Licence of the Board as herein-after mentioned.

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Penalty for unauthorized Outfall from Sewer.

51. If any Local Sewer Authority should without the Approval of the Board make any Work of Outfall or Discharge of Sewers, or should, without the Certificate or Licence of the Board, discharge or continue as aforesaid the Discharge of the Contents of any Sewer within their Jurisdiction into a River or Stream, such Authority shall, for every Day during which or any Part of which such Outfall Work remains or such Discharge continues in operation, forfeit a Sum not exceeding Twenty Pounds, recoverable in summary Manner on the Information or Complaint of any Superintending Inspector or any Officer of the Board.

Proceedings.

30

Proprietors of Gasworks to give Notice of Communication.

52. Before the Proprietors of any Gasworks within the Jurisdiction of a Protection Board make any Channel or Outflow or Means of Discharge of Washings or Refuse from their Works into a Sewer or Drainage Work of or within the Control of a Local Sewer Authority or the Board, or into a River or Stream within the Area of Jurisdiction of that Board, such Proprietors shall obtain the Approval of the Board to the intended Works of Outflow or Discharge in manner herein-after mentioned.

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Proprietors of Gas Works to obtain Certi-

53. Before the Proprietors of any such Gasworks make use of any such Outflow or Means of Discharge, or retain or continue beyond One Year after the Constitution of the Board to use an existing

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existing Outflow or Discharge from their Works, such Proprietors shall obtain the Certificate or Licence of the Board in manner herein-after mentioned.

ificate or to
take out
Licence for
Outflow.

54. If the Proprietors of any such Gasworks should, without the
5 Approval of the Board, make any Work of Outflow or Discharge
into such Sewer or Work, River or Stream, such Proprietors shall
forfeit a Sum not exceeding *Fifty Pounds*; and if such Proprietors
should, without the Certificate or Licence of the Board, make use
of any such Outflow or Discharge, or continue as aforesaid any such
10 Outflow or Discharge, such Proprietors shall, for every Day during
which or Part of which such Outflow or Discharge continues in
operation, forfeit a Sum not exceeding *Fifty Pounds*.

Penalty for
unauthorized
Communica-
tion from
Gas-works.

55. In any Case where, by means of a Pipe or Channel from a
River or Stream, or from any other Source, a Supply of Water may be
15 furnished to Works requiring washing Waters in or for manufactur-
ing, chemical, cleansing, or other like Operations or Processes, and
by reason of such Supply the Pollution of the Body of Water in
such River or Stream by the Use thereof, for washing in or by such
Works, may, in the Judgment of the Board, be prevented or lessened,
20 the Board, under the general Powers of this Act, may make, lay
down, and maintain Channels, Pipes, and Apparatus, and may acquire
any Lands, Springs, or Waters, or any Easement, Right, or Power
in, under, through, or over any Lands, and enter and pass through
Lands, for making, laying down, and repairing the Channels, Pipes,
25 and Apparatus for the Delivery of washing Waters to such Works.

Arrange-
ment for
lessening
Pollution of
Rivers and
Streams by
Works
requiring
washing
Waters.

And the Board may make any Byelaws for regulating the Supply
by the aforesaid Means of Water to such Works.

- The Expense of obtaining such Supply, or of making the Works of
Supply and maintaining the same, shall be borne by or among
30 Owners and Occupiers of the Works thereby served as Private
Works Contributions under this Act.

The Discharge of such Water from the Works shall be deemed a
foul Outflow under this Act.

- Provided always, that the Owners and Occupiers of such Works
35 shall have Access by themselves or their Agents to the new Supply
Works, for the Purpose of ascertaining that in respect of the
Quantity supplied, and other Particulars, the Arrangements by the
Board on their Behalf are properly carried out.

Occupiers to
have Access
to Supply.

- When the new Means of Supply of washing Water to any
40 Works are completed, the Right or Practice of using the River
or Stream or the Waters thereof for the Purpose of washing
Water to and for such Works shall cease and be discontinued while
the substituted Means of Supply exist.

Former Use
of Stream to
be discon-
tinued.

Prohibition
of putting
Substances
injurious to
Sewage into
Sewers.

56. If the Proprietors of any Gas, Chemical, or other Works, or any Owner or Occupier of Works, shall put, or let or cause to flow into any Sewer of a Local Sewer Authority, or any Drainage Work made by the Board under this Act, or any Drain or Channel connected therewith, any Liquid or Matter or Substance which is prejudicial to the Sewage in such Sewer or Drainage Work in its Application to Land for agricultural Purposes, or which interferes with the efficient working of such Sewer or Work, and if such Proprietors, Owner or Occupier of Works, after *Three Weeks* Notice by the Board or Authority, to discontinue such Practice, shall not discontinue the same, the Proprietors, Owner, or Occupier shall forfeit *Twenty Pounds*, and for every Day during which the same is continued *Five Pounds*; the said Penalties to be recoverable by summary Conviction on the Information or Complaint of any Superintending Inspector, or any Officer of the Board, or the Clerk of the Local Sewer Authority.

Granting of
Certificates
and Licences.

57. With respect to the Proceeding for and about Certificates and Licences of the Board, the following Regulations or Rules shall apply :

The Sewer Authorities requiring an Outfall, or the Proprietors of Gas Works or Owner or Occupier of Works requiring a foul Outflow, may make Application to the Board for a Certificate that they have used the best practicable Means of deodorizing the Sewage or defecating the Contents of the foul Outflow from the Works before passing into the River or Stream ; or for a Licence to use or continue to use the Outfall of the Sewer, or the Outflow from the Works ; and in such Application they shall specify the Point at which such Outflow is or is to be discharged or to flow into the River or Stream, and the Means or Processes (if any) adopted or to be adopted for deodorizing the Sewage or for defecating the Contents of the Outflow :

On the Receipt of such Application the Clerk to the Board is to advertise the same in a Newspaper once at least in each of the Two next Weeks, and therein stating when the next Meeting of the Board will be held at which the same Application is to be taken into Consideration :

The Board at their next Meeting may enter upon the Consideration of such Application, or if they think that sufficient Notice has not been given, or that the Process or Means adopted ought to be examined and tested and reported on by their Inspector or other competent Person, or for any other Reason, may adjourn the Hearing of the Application to some future Meeting of the Board, of which Meeting Notice shall be given in manner aforesaid :

At

At the Hearing of the Application the Inspector of the Board, the Officer of any Local Sewer Authority, and any adjacent Landowner or Occupier may state their Objections (if any) to such Application :

- 5 And the Inspector of the Board may report on the Efficiency of the Means and Processes, if any, adopted by the Local Sewer Authority, Proprietors, Owner, or Occupier of Works, for the Purpose of deodorizing Sewage or defecating the foul Outflow, or on any other Matter referred to him, and the Result of such Means and Processes, and, if the Means and Processes adopted be not sufficient, whether
10 any other or better Means and Processes for that Purpose could be adopted by the Party concerned, and on any other Points in reference to the Subject which the Inspector may deem material. In the Consideration of the Question, and the Application of such Tests, and making such Report, the Inspector may call in the Aid of the
15 Analyst for the County or any other Men of Skill :

- The Board, if they consider that there are practicable Means, at a reasonable Cost, of deodorising the Sewage or defecating the foul Water, and if the same have not been sufficiently adopted, shall refuse
20 the Application; and in any other Case they shall grant either a Certificate or a Licence, according as they think just, to the Effect herein-after mentioned. The Certificate shall be granted for a Term, to the Effect that the Sewer Authority uses effectual Means of deodorizing the Sewage, and that the Proprietors, Owner, and
25 Occupier of the Works requiring a foul Outflow use effectual Means for defecating the Contents of the Outflow from the Works :

While the Certificate is in force no further Licence or Authority shall be required for such Outfall or Outflow :

- The Licence may be granted notwithstanding the Certificate is
30 refused on the Terms herein-after referred to, and while in force shall be an Authority for the Use of the Sewer Outfall or foul Outflow from the Works into the River or Stream for a Time to be prescribed in such Licence. Copies of such Certificates or Licences shall, by the Board, be transmitted to the Clerk of the Peace for
35 Enrolment amongst the County Records.

58. In the Case of an Application renewed for a Certificate or Licence, or for a Licence where a Certificate had been granted, or vice versâ, the Board, after preliminary Notice and Examination, and Proceeding as aforesaid, shall hear the Application for such Certificate or Licence, and deal therewith, and all Matters incident thereto, in manner before provided for Applications for the prior Certificate or Licence : Provided, that if it appears to the Board that since the granting of the former Certificate or Licence any Means or any better Means have been discovered for deodorizing

Renewal of
Certificates
and Licences.

the Sewage or defecating the foul Outflow from such Works, the Certificate applied for shall not be granted unless the Sewer Authority, Proprietors, or Owner or Occupier of the Works adopt such Means or better Means of Deodorization or Sewage or of Defecation of such Outflow ; and the like Proceedings shall take place 5 in the Expiration of Certificates and Licences at each successive Period for which the same were granted.

Power to
award Costs.

59. The Expenses of the Proceedings in or with respect to any such Application shall be in the Discretion of the Board ; and either the Parties making or opposing the Application whom the Board 10 shall declare liable for any Amount in respect of such Expenses shall be deemed indebted to the other of them, or to the Board, in that Amount.

While the
Certificate or
Licence is in
force no
Penalty
under the
Act to attach.

60. The Local Sewer Authority in respect of whose Outfall, and the Proprietors, Owner or Occupier in respect of the foul Outflow to 15 whose Works a Certificate or Licence has been granted under the Provisions of this Act, may use or continue such Outfall or Outflow for the Time and under the Terms or Conditions specified in such Certificate or Licence, and such Sewer Authority, Proprietors, Owner, or Occupier shall not in respect of such Outfall or Outflow be liable 20 to any Penalty or Proceeding under the Provisions of this Act.

But if any such Sewer Authority, Proprietors, or Owner or Occupier fail or neglect to perform or observe any of the Terms or Conditions specified in such Certificate or Licence, or make or use any Sewer Outfall, or foul Outflow in contravention thereof, they 25 shall respectively be deemed guilty of the same Offence and liable to the same Penalty or Penalties, to be recovered in the same Manner and by and against the same Parties as in the Case of making or continuing a Sewer Outfall or foul Outflow without Certificate or Licence as aforesaid.

30

Fees for Cer-
tificates and
Licences.

61. There shall be paid in respect of each Certificate such Fees, and in respect of each such Licence such annual Sum as well as such Fees as the Board may from Time to Time determine with the Sanction of the Secretary of State, having regard to the Nature of the Outfall or Outflow and the Circumstances of Cases ; but no 35 Licence shall be granted for a less annual Sum than *One hundred Pounds*.

Application
of Income
from
Licences.

62. The net Income arising from Certificates and Licences shall be applied by the Board in testing and providing Means of defecating or reducing the noxious Properties of the foul Waters or Sewage, 40 or diverting or carrying off the same, or making Compensation to Persons

Persons injured by the Pollution of the River or Stream caused by the Sewage Outfall, or foul Outflow licensed, or in providing Supplies of Water in substitution for the Waters so polluted for the Use of the Persons entitled thereto, or the like Proposal, at the Discretion of the Board.

63. Wherever the Situation or Condition of any Sewer of a Local Authority or of One or more Works, Gas or other Works or Mines, fouling Waters or requiring a foul Outflow, is such as to render it impracticable within a reasonable Cost to deodorize the Sewage or defecate the foul Waters thereof, and the Board judge it expedient that some Provision should be made for supplying an Outfall to such Sewer, or an Outflow to such Works, and abating the Pollution caused thereby to the River or Stream, the Board may construct or make a Course or Channel or Receptacle or other Work whereby, in the Judgment of the Board, the Contents of such Sewer or Outflow may be discharged or carried off to some Place or disposed of in some Manner so as not to be a Nuisance; And the Expenses of making and afterwards repairing and improving such Course or Channel or Works shall be borne respectively by the Local Sewer Authority, Proprietors, Owners and Occupiers, for the Use of whose Sewers or Works or Mine the same are made or done or are subservient, and to be recovered as Private Local or Drainage Works Contributions under this Act, as the Justice of the Case may require.

Constructing Channels of Discharge for Sewers, Rivers, or Works requiring foul Outflow.

64. No Person shall, without the Consent of the Board, cause or permit any foul Water or Washings of a Mine, or foul Outflow from a Mine, to flow or run into any River or Stream within the Jurisdiction of the Board, and any Person offending against this Enactment shall incur a Penalty not exceeding *Five Pounds*, and a further Penalty of *Forty Shillings* for every Day during which the Offence is continued; the Penalties to be recovered by the Board by summary Conviction as herein-after mentioned.

Prohibition of Discharge of foul Water from Mines

65. In any Parish or Place wherein neither the Public Health Act, 1848, the Local Government Act, or any Local Act for Sewers is in force, and whatever be the Number of Inhabitants of such Parish or Place, if there be a Pond, Pool, open Ditch, Sewer, Drain, or Place containing or used for the Collection of any Drainage, Filth Water, Matter, or Thing of an offensive Nature which ought to be drained, cleansed, covered in, or filled up, or for which a Sewer ought to be made and provided, the Report of the Local Inspector or Surveyor of the Board of such Nuisance and the Work and means of removing the same shall, if adopted by the

In Parishes without a Sewer Authority Overseers in certain Cases may make Sewers.

[3.] -

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Board,

11 & 12 Vict.
c. 63. s. 50.

Board, have the same Effect as the Resolution of the rated Inhabitants at a preliminary Public Meeting held under the Enactment of the Public Health Act, 1848, Section Fifty, in Parishes or Places therein referred to.

And thereupon the Churchwardens and Overseers of the Parish or Place in respect of which such Report is made shall proceed in the Matter as by the said Enactment Churchwardens and Overseers are directed to proceed in Cases within the same.

And all the Powers and Provisions given and made by the said Enactment shall be applicable to the Cases hereby provided. 10

And for executing the above Purposes Churchwardens and Overseers shall have the Powers of entering on and acquiring Land, and making or repairing Sewers given to Local Boards by the Public Health Act, 1848, in the Sections following :

S. 45. Sewer making.
S. 46. Sewer emptying.
S. 84. Land Purchase.
S. 143. Land Entry.
S. 144. Compensation.

The Section numbered 45 in the said Act : 15

The Section numbered 46 in the said Act :

The Section numbered 84 in the said Act :

The Section numbered 143 in the said Act :

Subject to the Provisions in Section numbered 144 in the said

Act, and the Surveyor or Officer named in that Section shall 20 mean the Surveyor or other Officer assigned by the Board.

And such Works may be cleansed and repaired at the Cost of the Poor Rate of such Parish or Place : Provided always, that it shall not be lawful for the Board to authorize the Construction of any Sewer or Works the Contents of which would have to be discharged 25 in the State of foul Water into a River or Stream.

21 & 22 Vict.
c. 98. s. 31.

Cleansing
Boundary
Water-
courses
where offen-
sive.

66. As by the Local Government Act, 1858, Section 31, Provision is made for cleansing foul and open Ditches lying near to or forming the Boundary between the District of a Local Board and any adjoining Parish or Place by Order of Justices : Now in a 30 Main Drainage District, when formed, the Application of the Local Board may be made to the Protection Board, which Board may refer the Matter to a Committee or their Inspector or Surveyor, who may summon the Local Authority for the Purposes of the Nuisance Removal Act, 1855, of the adjoining Parish or Place to 35 appear before such Committee, Inspector, or Surveyor ; and under the Report of the Committee, Inspector, or Surveyor, the Board may make such Order and so deal with the Case as the Justices under the said Provision in a Case before them might have done, and the Order of the Board shall be enforced by Justices in like 40 Manner as the Order of Justices is thereunder enforceable.

Prohibition
against
discharging

67. After the Construction of the Discharge Channels or Works made by the Board it shall not be lawful for any Local Sewer Authority

Authority or Person to make or construct any Outfall or Outflow so as to discharge from those Sewers or Works or Mines into the River or Stream, nor to discharge Sewage or Foul Water from any Lands, Houses, or other Premises into the same; but all such

Sewers into River or Stream after Channel made.

5 Outfalls and Outflows shall be connected with the Discharge Works so provided in that Behalf: And all such Sewage or foul Water shall be discharged into such Discharge Works by means of properly constructed Outfalls or Drains.

68. And every Local Sewer Authority or Person who, after such Discharge Works made or approved of by the Board for their Use have been constructed, shall discharge or cause to enter or knowingly permit to run into the River or Stream any Sewage or foul Water from any Sewer or Works or Mine, shall be liable to a Penalty not exceeding *Five Pounds*, and a further Penalty not exceeding *Forty Shillings* for every Day during which such Offence is continued after written Notice from the Board to discontinue the same; the Penalties to be recoverable by the Board by summary Conviction as herein-before mentioned.

Penalty on Sewers Discharge.

69. Provided always, that the Board and Local Sewer Authorities and Persons may, during the Time when any Drainage or Discharge Works are being repaired, cleansed, altered, or renewed, or during Floods, or in case of Accidents, discharge into the River or Stream the Sewage or foul Water which should otherwise flow into such Drainage or Discharge Works.

Exception during Repairs.

70. Nothing contained in this Act or in any Certificate or Licence granted under the Provisions thereof shall limit, restrict, or affect any Action or Prosecution at Common Law or under any General or Local Act of Parliament which may be instituted for the Prevention or Repression of Nuisances of or from the Discharge of Sewage or foul Water or solid refuse Matter into any River or Stream, or any Claim or Right of Action, Suit, or Proceeding competent to any Person with respect to such Nuisance.

Saving of other Remedies for Nuisance.

71. The Provisions of this Act shall not apply to any Person, Company, or Body having a legal Right to cause Sewage, foul Waters, or Liquids to flow or pass into Rivers or Streams.

Saving Rights.

PART VIII.

Works of Intercommunication between Local Sewer Districts.

Board of one
District may
agree with
Board of
another for
Use of Works
of Discharge.

72. The Sewer Authority of any District may make Arrangements with the Sewer Authority of any adjacent District for procuring an Outfall or effecting a proper Discharge or Distribution of Sewage 5 of the One District, by an Extension or Use of the Works and Places and Means of Distribution, or by means of the Services of the Officers or Servants of the other, upon such Terms as shall be agreed upon between the Authorities of such Districts, and which Terms shall be expressed in some Deed or Deeds to be made between them and 10 under their Common Seals.

Sewer Au-
thorities may
seek Com-
munication
with the
Works of
those below
them.

73. Any Local Sewer Authority deeming it necessary for the Discharge of the Sewers of their District, that an Outlet Sewer should be carried through the subjacent District of a Local Sewer Authority, or that the Sewers or Works of such subjacent Sewer 15 Authority should be used for the Carriage, Outfall, or Distribution of the Sewage of the District above, with or without Extension or Enlargement or other Alterations of such Works, may apply for Consent to do the necessary Works in manner herein-after mentioned: 20

- (1.) Notice to be given to the subjacent Sewer Authority by the Sewer Authority of the District above, which Notice shall state the Nature of the Sewers, Connexion or Alterations in Sewers, or other Works proposed to be made, and be accompanied by a Map on which Particulars of the in- 25 tended Works shall be delineated, and shall further state the Compensation, if any, which the Sewer Authority of the District above proffer, and the Regulations which they suggest for the Management of the Concern between the Districts: 30
- (2.) The subjacent Sewer Authority may by Deed under their Common Seal assent to such Application upon such Terms, and upon Payment of such Compensation as they may require, and as the Authority of the District above may be willing to accede to. 35
- (3.) The subjacent Sewer Authority may dissent from such Application, and they shall be deemed to have dissented from the Application if they fail to express their Assent thereto within Three Months after the Service of the Notice of Application on them. 40
- (4.) If the Sewer Authority of the District above think fit, they may appeal against such Dissent to the Quarter Sessions of

of the County, Riding, or Division of a County in which their District or the greater Part thereof is situate. Upon such Appeal the following Questions shall be raised and decided :

5 Whether the proposed Use or Connexion of or with the
Sewer or Outfall or Distribution Works of the subjacent
District by the District above is compatible with the
Exigencies and Services present or future of such
Sewer or Works to the subjacent District :

10 Whether the proposed Alterations to be made therein
 will render them serviceable to both Districts :

Whether the Compensation in Money (if any) proposed to be given is or is not sufficient.

(5.) If the Decision be that the proposed Sewer or Works of
 15 Connexion or Discharge are not compatible with the
 Exigencies of the subjacent District, and that neither the
 proposed Alterations nor any Modifications of the Scheme
 which the Court of Quarter Sessions may think it expedient
 to direct will render them properly serviceable to both
 20 Districts, the Sewer Authority of the District above shall
 not be entitled to make the proposed Works :

25 (6.) If the Court of Quarter Sessions decide that the Works with or without Modifications directed by them may properly be serviceable to both Districts they shall proceed to assess the Compensation (if any) which in their Judgment ought to be made by the District above to the subjacent District, and settle the Scheme for the Management of the Concerns in which the Districts are so jointly interested.

(7.) If the Court of Quarter Sessions decide in favour of the proposed Scheme of Connexion and Management, with or without Modifications, they shall cause a Map and Specification thereof to be prepared and settled; and the Sewer Authority of the District above may proceed to make and execute the Works approved of according to the Directions of the Quarter Sessions.

(8.) The subjacent Sewer Authority may, by Notice to the Sewer Authority of the District above given within the Period of One Month from the Notice of Appeal, require that the Matter be referred to Arbitration as herein mentioned, and the Arbitrators shall have Power to decide and act in lieu of the Quarter Sessions in the Matter.

(9.) The Sewer Authorities arranging between themselves and the Sewer Authority of the District above shall forward to the Clerk or Clerks of the Peace of the County, Riding, or Division, or several Counties, Ridings, or Divisions of

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Counties

Assent or
Approval to
be recorded.

Counties wherein the Districts are situate, an attested Copy of the Deed containing the Arrangement between them, and a certified Copy of the Map and Specification of any proposed Works settled by the Court of Quarter Sessions or Arbitration as aforesaid. The same Documents to be kept in the Office of the said Clerk of the Peace as a Record of the Proceedings between the Parties.

- (10.) The Sewer Authority of the subjacent District may at any Time fill up, divert, or otherwise deal with their Sewers or Works in which the District above has acquired such joint Rights of User on condition of first making and laying down in lieu thereof Sewers or Works equally efficient for the Service of such District above. And any Dispute as to the Sufficiency of the substituted Works shall be decided by the Court of Quarter Sessions, or by Arbitration as aforesaid.
- (11.) All Expenses incurred by the Sewer Authority of the subjacent District in respect of an Application made in pursuance of the Part of this Act, shall be defrayed by the Sewer Authority making such Application.

Powers
transferred
to Protection
Board.

74. If and when a Protection Board is established, the Powers given by the Two last preceding Districts of Intercommunication between Districts by Agreement shall be exercised, subject to the Approval of the Board; and the compulsory Powers to refer such Works to Quarter Session or Arbitration shall cease, and the Case so provided for shall be dealt with under the Provision next hereinafter contained.

Intercommu-
nication of
Sewers of
different
Districts.
Power for
Board to
make Orders.

75. With regard to Local Works of Intercommunication between the Sewers and Works of different Districts within One Main Drainage District, the Board shall from Time to Time, in order to secure efficient Main Sewerage and prevent the Pollution of their River and Streams, make such General and Special Orders as to them seem proper for the Guidance, Direction, and Control of Local Sewer Authorities in the Lines, Levels, Construction, Alteration, Maintenance, and Cleansing of Sewers in their respective Districts, and for securing the proper Connexion and Intercommunication of the Sewers of the several Districts and the Outfalls or Communication with the Discharge Sewers of the Board or under their Care, and generally for the Guidance, Direction, and Control of Local Sewer Authorities in the Exercise of their Powers and Duties under their own Statutory Commission, or under this Act in relation to Sewerage, and all such Orders shall be binding upon such Sewer Authorities.

76. Whenever

76. Whenever the Board in exercise of the above Power have by their Order directed that the Sewer of One District shall, for the Purpose of Outfall or otherwise, be connected with the Sewer of another, or that a Sewer shall be carried into or through One District for the Use of another, or that the Sewers of the One District shall for the Benefit of the other be raised, lowered, deepened, widened, enlarged, contracted, or otherwise altered, the Board may, by the same or any other Order, either require the Local Sewer Authority in or into whose District such Works extend; to undertake and do the necessary Works in that Behalf according to the Plans and Specifications of the Board and under the Superintendence of their Surveyor, with Power, if the Local Sewer Authority do not duly proceed to make and complete such Works, for the Board to execute and complete the same :
- 15 Or the Board may authorize the Sewer Authority for the Drainage of whose District the Connexion or other Work is required, to undertake and do, as well within their own as within the adjacent specified District, all necessary Works in that Behalf: Provided, that any Communication to be made by any Sewer Authority out of their own District shall be made under the Supervision and to the Satisfaction of the Authority to whom the Sewer or Works to or with which the Connexion is made belong.

As to Mode of executing such Orders.

77. With regard to the Expenses of all such Connexion and other Works where there is a Community of Benefit to several Districts, the Board shall by their Order award the Proportion to be borne by each District benefited, and specify the Party to receive, and the Time and Mode of Payment, according as they consider just.

Division of Expenses.

- But if they deem such Works to be solely available for the Benefit of One or more Districts in exclusion of the District within whose local Limits the Sewers are to extend, the Board shall order such Expenses to be borne by the District, or by and between (in fair Proportions) the Districts, so exclusively benefited. The Board may also order the District or Districts benefited to pay to the Authority of the adjacent District any Compensation or Remuneration which the Board thinks just, either in One Sum or by yearly or other Payments, for the Use of their Sewer or other Accommodation, to such benefited District. The Authority to whom any Payment is directed to be made under any such Award or Order may recover the same from the Authority directed to make such Payment either by Action of Law or in a summary Manner by Order of a Justice of the Peace.

If any Local Sewer Authority concerned object to the Order or Award of the Board as to Expenses, or the Apportionment thereof or the Amount or Mode of Payment of any such Compensation or

Remuneration, the Question shall be referred to the Secretary of State and by him shall be conclusively settled, the Right of Recovery of the Demand being suspended until the Decision of such Secretary of State be given.

Award for
maintaining
Works.

78. For the future Maintenance of such Connexion or other 5
Works, the Board shall make an Award prescribing the Contri-
bution and Mode to be paid and observed by the Districts con-
cerned in that Behalf.

PART VIII.

Works Approval, Obstructions, Contracts, and Notices.

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Mode of
obtaining
Board's
Approval of
Works.

79. With respect to Proceedings for and about the Approval of
the Board to intended Works under this Act requiring the same
the following Rules shall apply :

- (1.) Fourteen Days previous Notice in Writing of Intention to
commence such Works shall be given or left at the Office 15
of the Board, with a Plan and Section showing the
Particulars relating thereto :
- (2.) Within Fourteen Days the Board may approve of such in-
tended Works, or may require any Alteration to be
made, or give Directions therein, and if they think fit the 20
Works shall be made accordingly under the Superinten-
dence of the Surveyor or Engineer of the Board, and the
Expense of such Examination and Superintendence shall
be borne by the Undertakers, and paid by them to the
Board, on Demand, without Prejudice, nevertheless, to the 25
Board's Power of apportioning the same as between Dis-
tricts and Persons concerned, and subject to Appeal as after
mentioned :
- (3.) Provided always, that if the Undertakers of the Works
should consider themselves aggrieved by the Board im- 30
properly withholding their Approval of the proposed
Works, or of the Orders or Directions or Charges of the
Board, the Undertakers of the Works may appeal to the
Secretary of State, who may determine the Matter of
Appeal, and by Order under his Hand specify and autho- 35
rize the Works and Manner of making, and Payment of
Costs in and about, the same :
- (4.) And after the Date of the Appeal to the Secretary of State
no Penalty shall be incurred by any Default of the Under-
takers so far as it is occasioned by such Matter only. 40

80. With

80. With respect to Encroachments, Obstructions, or Inter-
ferences with Drainage Works of the Board, any Person com-
mitting any of the following Acts without the previous Consent in
Writing of the Board—

Penalty on
Persons
placing Ob-
structions or
Encroach-
ments in
Sewers and
Drainage
Works of
Board.

- 5 Making Drains or Openings into any of their Sewers;
Knowingly erecting or placing any Building, Wall, Fence, or
other Obstruction or Encroachment in, upon, under, or over any
such Sewer;
Or stopping up, filling in, or diverting, taking up, removing or
10 otherwise interfering with a Sewer or Part of any Drainage
Work ;

Shall be liable, in addition to any other Proceeding to which the
Party may be liable therefor, to a Penalty not exceeding *Five*
Pounds for every Offence :

- 15 And in case of a continuing Offence in any of the Cases as afore-
said the Offender shall be liable to a further Penalty not exceeding
Two Pounds for each Day after Notice thereof from the Board ; the
Penalties to be recoverable by summary Conviction as herein-before
mentioned.

- 20 And the Board shall have Power to demolish or remove any such
Obstruction or Encroachment, or stop up or cut off any such Drain
or Opening, and perform all Things necessary for re-opening or
re-instating the Sewer or Drainage Work damaged or interfered
with, at the Expense of the Party erecting or making such Obstruc-
25 tion, Drain, or Opening, or doing such Damage.

The Mode of Recovery shall be by Action at Law, or by Order of
Justice of the Peace on the summary Conviction of the Offender, at
the Option of the Board.

- 30 But nothing herein contained shall extend to prevent or impede
the Maintenance, Repair, or Renewal of any Buildings or Works
under which a Sewer or Drain has been constructed, but so never-
theless that such Buildings or Works shall not injure or obstruct
such Sewer or Drain.

81. With respect to the Contracts to be entered into and Deeds
35 to be executed by the Board, the Provisions of the Commissioners
Clauses Act, 1847, shall be incorporated with this Act ; and in
their Construction together, this Act and the Act of Parliament
confirming the Provisional Order forming the Main Drainage
District shall constitute the "Special" Act, and the Word "Com-
40 missioners" shall mean the Board.

*Contracts
and Notices
of Works.*

—
Incorporation of certain
Provisions of
the Commis-
sioners
Clauses Act,
1847.

Contracts.

Notice of
larger
Works.

82. Previously to the Board commencing any new Works under this Act involving an Expenditure of more than *One thousand* Pounds the Board shall cause Plans of such Works and an Estimate of the Expense thereof to be made, and shall publish their Intention to execute such Works *One Month* before commencing the same, in 5 manner following ; that is to say,

By inserting in a Newspaper every Week during such Month a Notice explaining briefly the Nature of the Work, the Amount of the Expense to be incurred, and the Local District Works and Premises intended to be benefitted, and which are to con- 10 tribute to such Expense, describing such Area and Premises by Reference to a deposited Plan or by Boundaries, or in such other Manner as the Board may think best calculated to give Information of their Intention, and stating a Place within the Main Drainage District at which the Plan and Estimate of the 15 Works may be inspected at all reasonable Hours, and also stating that Objections to such proposed Works may be sent in Writing to the Secretary of State before the Expiration of *One Month* from the Date of such Notice.

Objections.

Appeal to
Secretary of
State.

83. Any Person interested as a Ratepayer or Owner or Occupier 20 of Land, or Person liable to Charge therefrom, may send to the Secretary of State written Objections to the proposed Works at any Time within the said Period of *One Month* ; and if such Objections are sent, the Secretary of State shall consider the same, and he may direct Inquiry to be made, or take such other Steps as 25 he may think proper for his Guidance in giving or withholding his Sanction to the proposed Works, and give it with or without Modification as he thinks just.

Notices.

84. With respect to Notices to be given or received by the Board, the following Provisions are to apply : 30

(1.) Where any Notice is required to be given by the Board, such Notice shall in all Cases be sufficiently authenticated if signed by the Clerk, and shall be receivable in Evidence before all legal Tribunals and in all legal Proceedings without any other Proof: 35

Notice to
Owners to be
served on
them or on
their Agents
in their
Absence
abroad.

(2.) Except where a special Mode of Service is provided by this Act, all Notices required to be served by the Board upon any Proprietor or Owner or Lessee, may be served by Delivery of the Notice personally on such Parties, or by leaving the same at their usual or last Place of Abode if 40 such can be found; and in case any such Parties are absent from the United Kingdom, or cannot be found after diligent Inquiry, such Service shall be made on their

- their known Agents (if any), or by forwarding the Notice by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party or his known Agent; or, failing the above Means, such Notice for the Owner or
- 5 Proprietor shall be served on the Occupier as herein-after mentioned :
- (3.) If any Proprietor or Owner on whom Notice is to be served is a Corporation aggregate, such Notice shall be left at the principal Office of Business of such Corporation, or if no
- 10 such Office can after diligent Inquiry be found, shall be served on some principal Member, if any, of such Corporation; and such Notice shall also be left with the Occupier of the Lands or Premises :
- (4.) Except where a Special Mode of Service is provided by this Act, all Notices required to be served by the Board upon
- 15 the Occupier of any Premises shall either be served by Delivery or in manner before described in the Case of Owners :
- (5.) If there be no known Occupier Service of the Notice shall
- 20 be made by affixing on conspicuous Part of the Premises :
- (6.) Notices served by being affixed may be addressed generally to the Owners or Occupiers without naming them or either of them :
- (7.) All Notices served by the Board, or any Proprietor or Owner
- 25 or Lessee, shall, if due Service thereof has been made, be binding on all Persons claiming by, from, or under such Proprietor or Owner to the same Extent as if such Notice had been served on such last-mentioned Persons respectively :
- (8.) When Notice is required to be given in a Newspaper it shall
- 30 be implied that the Newspaper is One usually circulating in the District or Locality concerned.
- Notice to Corporations to be left at their principal Office.
- Notice on Occupier.
- Notices to be Binding on Assigns or Lessee.
- Newspaper.

PART IX.

Officers and Byelaws.

- 35 85. With respect to the Appointment and Accountability of Officers of the Board,

The Provisions of the Commissioners Clauses Act, 1847, shall be incorporated with this Act, with the Modifications aforesaid; and under these Provisions may be appointed by the Board a Surveyor,

40 Inspectors, Clerk, Treasurer, and any other Officers or Servants.

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86. Subject

Byelaws.	86. Subject to the Provisions of this Act, Byelaws (not being repugnant to the General Laws, or inconsistent with the Provisions in this Act,) may be made by the Board for the following Purposes :	
Public Inquiry.	The Proceedings on any public Inquiry before any Committee, 5 or Inspector, or Officer of the Board :	
Direction of Local Sewer Authorities ;	The Guidance, Direction, and Control of Local Sewer Authorities in relation to the Levels, Dimensions, Construction, Maintenance, and Cleansing of their Sewers and Outfalls, for securing the Main Drainage, and avoiding the Pollution of 10 Rivers and Streams :	
and Officers.	Regulating the Duties and Conduct of the Officers and Servants employed by the Board :	
Make for Meetings.	To the Summoning, Notice, Place, Management, and Adjournment of Meetings of the Board and Committees, and generally 15 with respect to the Transaction and Management of the Business, as the Board thinks fit, under the Conditions following :	
Pre-publication.	87. The Board shall publish in a Newspaper the Byelaws which they propose to make, and therewith give Notice of the Time (being One Month at least after the Publication) and convenient 20 Place to be appointed by them, at which all Objections in Writing of Persons likely to be affected by such Byelaws will be heard :	
	At the Time and Place appointed, the Board, or any Committee named by them, shall take the Objections, if any, into Consideration ; they may abstain from making, or may add to, 25 diminish, or otherwise alter, the proposed Byelaws :	
	If any such Alteration be made, the Board shall publish in a Newspaper the Byelaw or Part of a Byelaw altered, One Week before they submit the proposed Byelaws for Confirmation : 30	
Authentication.	Byelaws when made shall be authenticated by the Common Seal of the Board and the Signature of their Clerk.	
Confirmation.	88. The Byelaws of the Board before they are of any Validity must be confirmed by the Secretary of State :	
Notice of Application for Confirmation.	The Board on submitting proposed Byelaws to the Secretary of 35 State shall publish in a Newspaper Notice that they have done so :	
Time to make Objection.	During One Month after such Notice published any Person may submit to the Secretary of State, in Writing, any Objection or Representation respecting the proposed Byelaws. 40	

89. When

89. When the Byelaws are confirmed by the Secretary of State the Board shall cause the same, together with the Order of Confirmation, to be printed, and Copies thereof to be sold at a reasonable Price. Byelaws to be printed and sold.

5 **90.** A Copy of a Byelaw and of such Confirmation, purporting to be printed by Direction of the Board, shall be conclusive Evidence of such Byelaw. Proof of Byelaws.

91. Byelaws made by the Board and confirmed as aforesaid may be altered or repealed by subsequent Byelaws made and confirmed as aforesaid. Alteration.

92. By any such Byelaws the Board may impose upon Offenders against the same such reasonable Penalty as the Board thinks fit, not exceeding the Sum of *Three Pounds* for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding *Twenty Shillings* for each Day after written Notice of the Offence from the Board. Penalty for Breach of Byelaws.

93. The Local Authority shall enforce, superintend, and see to, and aid in the Execution of such Byelaws for their Guidance as the Case may require, and shall appoint such Officers, employ such Workmen, and do such Acts, Matters, and Things as may be necessary for that Purpose.

PART X.

Funds, Loans, and Accounts.

94. The Board may from Time to Time, in the Exercise of their Discretion, forbear to exercise their Jurisdiction to do or execute or direct the Execution of Works of Main Local or Joint Drainage, either wholly or in part, over Parts of their District, which, from being chiefly used for agricultural Purposes or otherwise, are in a State not requiring the Exercise of such Jurisdiction; and the Parts so excepted shall be deemed without the Area of Taxation of the Board: Provided always, that during the Execution of Works by the Board intended for the Use of several Districts or Places within its Jurisdiction, the Board may call for Contributions from such Districts or Places, when and as the Board thinks just: And after such Common Drainage Works are perfected the Board shall make a final Award apportioning the Contributions from the local Districts or Places for the making and maintaining such Works of Common Drainage, and assigning the Mode of the future

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Main-

Maintenance thereof: And if upon such Award it appears that in the prior Contributionship any local District or Place has been under-rated or over-rated, or wrongly omitted from or wrongly included in Taxation, the Error shall be corrected by Surcharge or Allowance, as the Case may require: Provided, that in the Case of an electoral Sub-District or selecting Part being thereby wholly put out of Contributionship to the Board, the Right of such Sub-District to Representation, and of such Part to select Persons to join in appointing a Representative to the Board, shall be suspended while such Exemption continues. 5 10

95. The Drainage Contributions to be raised by the Board under this Act consist of,

- Main Works.** (1.) Main Drainage Contribution for Means to defray the Expense of preliminary Inquiries and Surveys and Provisional Orders, the Salaries of their Officers and Servants, Rent of Offices, and other Expenses of the Board's Establishment, the making and maintaining Works for the Main Drainage District, and all other Expenses which they may incur, and which are not allocated or charged to particular local Districts or Places or Persons under this Act, being the Common Fund on which also may be put, by Order of the Board, a Portion of the Expenses of local Works and private Works. 15 20
- Local Drainage Contribution.** (2.) Local Drainage Contribution, for defraying the Expenses or apportioned Parts of the Expenses of the Board's Drainage Works and Services enuring to the special Benefit of some One or more local Districts or Places, or Part of a local District or Place, in the Area of Taxation, on which also may be put, by Order of the Board, a Portion of the Expenses of private Works. 25 30
- Private Contribution.** (3.) Private Drainage Contribution, for defraying the Expenses or a proportion of the Expenses of Works and Services to private Premises raisable as hereunder mentioned. 35

96. The above Main and Local Contributions are raisable from the local Districts, whether Towns, Boroughs, Districts of Local Boards or Commissioners, or the like, having Sewer Authority and collecting Sewer Rates, and from Places, whether Parishes or the like, collecting Rates within the Area of Taxation. 35

The Main and Local Drainage Contributions may be charged in gross upon local Districts or Places of rating, or assessed by the Board upon Persons and Property in local Districts or Places; and the Contribution for each local District or Place of rating shall 40

shall consist of its proportionate Quota for Main Drainage and the Local Drainage Contribution charged by the Board thereon.

97. In case of Main Contributions, the Board shall estimate and Estimate.
fix the Sums which may be necessary from Time to Time to make
5 up the Common Fund, and specify the Contributions of the local
Districts and Places in the Area of Taxation thereto.

The Board shall also from Time to Time estimate and fix the
Sums necessary for constructing Works hereby authorized, or
Services hereunder rendered for the Benefit of one or more local
10 Districts or Places only, and apportion the same between and among
the local Districts or Places, if more than One, for whose Benefit
the same were made or rendered in manner herein provided.

The above Estimates to be made and published as may be directed
by Byelaws of the Board.

15 98. For both Collections in gross the Board shall issue Precepts Precepts.
under their Seal, fixing the Date or Dates when the Sums so
specified or apportioned are to be paid by the Authorities respectively
addressed to the Board or their Treasurer, the Periods of Payment
being fixed with reference to the Times when the Sums so specified
20 or apportioned will in the Judgment of the Board be required for
the Purposes of this Act.

Such Precepts shall be directed as follows :

To whom
directed.

In local Districts where there is an Authority collecting a Rate
for Sewerage Purposes to such Authority ;
25 In Parishes or Places where there is no Authority collecting a Rate
for Sewerage Purposes, to the Overseers of the Poor, Assistant
Overseer, or Officer of the Board of Guardians, Trustees, or
Governors of any Union, Parish, or Place under the Poor
Law Amendment Act, or any Local Act in force having the
30 Collection of an equal Pound Rate for any Purpose in such
Parish or Place.

Such Precept shall be served within Eight Days after such
Specification or Apportionment by being transmitted by the Clerk
of the Board, to the Clerks of the Local Sewer Authorities, or to
35 such Collecting Officers, or some One of them.

The said Sewer Authorities and Collecting Officers shall pay Payment.
to the Board or their Treasurer at the Date or Dates so specified
the Sums so required from them respectively, and shall also pay
to the Board or their Treasurer Interest upon such Sums or such
40 Parts of those Sums as shall not then be paid, after the Rate of
Five Pounds per Centum per Annum from the Date or Dates so
appointed as aforesaid until Payment thereof.

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99. For

Consolidated
or separate
Rating by
Local Off-
cers.

99. For the raising the Sums of Money so called for, and the Collector's Poundage or Allowance, and the Expenses incident to Collection, the Local Sewer Authority or other Rating Officer may in making the Sewer or other equal Rate for such District, Parish, or Place, make such Addition to the Amount assessed as 5 they consider necessary to meet any Precepts received or to be received by them from the Board during the Period for which such Sewer or other Rate extends; or they may make a separate Rate to raise the Sum or Sums of Money to be provided for such Precept or Precepts, but such separate Rate shall, when practicable, be con- 10 tained in the same Book or Books as the Sewer or other Rate, but distinguishing the Title thereof: And the Sewer Authority or Collect- ing Officers to whom any such Precepts shall be directed shall raise and levy the Money required by the same in like Manner and subject to the like Provisions as such Authority or Officers collect 15 their Sewer or other equal Rate.

Collecting
Officer may
consolidate
Rate with
the Sewers
Rate.

Rule where
all Parts of a
District are
not equally
benefited.

100. Where it appears by the Precept of the Board that all or any Part of the Expenses for defraying which any Contribution is called for from the Local Authority or Collecting Officers has been incurred for the special Benefit of any particular Part of the 20 District or Place of such Authority or Officers, or has not been incurred for the equal Benefit of the whole of their District or Place, such Authority or Officer may levy the Sum or Sums necessary for defraying such Expenses or any Part thereof in such benefited Part, and exempt other Parts of their District or Place 25 from the Levy, or require a less Rate to be levied on One Part of their District or Place than another, as the Circumstance of the Case may require to do Equity therein.

Where Part
only of a
Parish is in
the Taxation
Area.

101. Where the Area of Taxation of the Main Drainage District includes certain Parts but not the whole of any existing local 30 District, Parish or Place, the Authority or Collecting Officers therein, in answering the Calls of the Board for Contributions in respect of the Parts within the Main Drainage Taxation Area, shall exempt in their Collection, in such Manner as shall be equitable, the Rate- payers of the Parts lying without the Area of Taxation from 35 the Payment of Rates or Quotas to make up such Contributions. And any Question which may arise as to the Right of Exemption, or the Amount or Mode thereof, shall, on the Application of any Party interested after Notice to the Authority or Collecting Officers, be referred to Two Justices of the Peace in Petty Sessions, and be 40 summarily settled by such Justices.

102. The

Boards, &c.
may make
Payments
out of any
Monies in
their Posses-
sion, and
effect Reim-
bursements
afterwards.

Particular
Assessment.

102. The Local Sewer Authority or Collecting Officers, in obedience to such Precept, may advance the Sum required by such Precept out of any Monies in their Possession; and all Monies so advanced shall be charged by them against and reimbursed to them out of the
5 Monies to be raised by virtue of such Precept in the proper Place.

103. In case of Default by any Local Sewer Authority or Collecting Officers to raise and pay over the Money called for according to the Exigency of any such Precept, and in any other Case where the Board thinks it necessary or proper, the Board may by their Order
10 appoint an Assessor to make a Rate or Assessment for the Purposes of this Act over any local District or Place, or Part or Parts thereof.

104. All such Assessments to be made by the Board shall be upon the same Basis and in the same Manner as the County Rate
15 is assessed and charged by the Justices under the Statutes at the Time in force for assessing and charging County Rates in England and Wales, and the Board shall have and exercise the same Authority of requiring the Production of and inspecting Rates, Assessments, and Documents, and examining Parties, and of recovering Penalties
20 for Neglect in making Returns, and for false Returns, as are given to the Justices by any of the said Statutes.

Mode of
Assessment
by the Board.

For the Purpose of assessing the Rate, any Person appointed by the Board may inspect, take Copies of, or make Extracts from any Rate for the Relief of the Poor within the District; and if any
25 Officer having the Custody of such last-mentioned Rate refuses to permit any such Inspection, or the taking of any such Copies or Extracts, he shall for each Offence incur a Penalty not exceeding *Five Pounds*, to be recovered by summary Conviction.

Overseers
to allow
Inspection of
Poor Rates.

Whenever the Name of any Owner or Occupier liable to be rated
30 to the Rate is not known to the Assessor of the Board, it shall be sufficient to assess and designate him in the Rate as "the Owner or Occupier," as the Case may be, of the Property in respect of which the Assessment is made, without further Description.

Assessor
of the Board.

105. The Rate so assessed shall be collected by such Officers as
35 the Board by their Order appoint.

The Board may direct the Payment of any Charge raisable under this Act to be remitted on account of the Poverty of the Person liable thereto.

Remission.

Every such Collector shall, within such Period after the levying
40 of the said Sum or Sums, or any Part thereof, as the Board determines, pay over to the Treasurer of the Board the Amount mentioned in such Order, and the Excess, if any, levied.

Collectors to
pay over and
account for
Monies to
Boards.

Sums collected in Places beyond Amount of Drainage Rate, and Expenses of Collection, &c. to be placed to Credit of such Place.

106. Where under any Assessment made by an Assessor appointed by the Board for the Drainage Contributions under this Act, any Monies shall be collected in any local District or Place beyond the Amount required to satisfy the Amount of the Charges of the Board upon such local District or Place, and the Expenses of and incidental to the preparing, making, collecting, and levying such Rate or Assessment, the Excess shall be placed by the Board to the Credit of such Place on account of the next Assessment or Precept upon such Place by the Board for their Contributions under the Act.

10

Certain kinds of Property assessable at One Fourth of Value.

107. In every Assessment and Collection of Main and local Contributions and Rates under this Act, whether by the Board, Local Authority, or Collecting Officers, the Owner of any Tithes, or of any Tithe Commutation Rentcharge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or as Nursery Grounds, and the Occupier of any Land covered with Water or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be charged in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof.

Collecting and other Officers to account to Board.

108. The Local Sewer Authorities and other Collecting Officers shall, when required by Order of the Board, make out and deliver to the Board or some Officer appointed by them, a true and perfect Account in Writing signed by them of all Monies received by them respectively in pursuance of the Precepts or Orders of the Board, and and shall for such Purpose produce to the Officer appointed by the Board, the Vouchers, Counterfoils, or Receipts for all Payments made to or by him or them, and the Officer so appointed shall for the Purpose of this Audit have all the Powers and Authorities given to Auditors of Accounts of the Board under this Act.

Amendment of Rates or Precepts.

109. The Board may, in case of any Omission or other Inaccuracy in any Precept or Assessment made or issued under this Act, amend the same by Substitution of Names of Persons or Places for those mis-stated, by the Insertion of the Names of Persons or Places omitted, by striking out the Names of Persons or Places not chargeable, by raising or reducing the Charge or Assessment in case of under rating or over rating, or any other Amendment to render the Charge conformable to this Act, and the Board may revoke any Precept issued, and issue a new Precept instead; but Persons and the collecting Authority or Officers of Places whose Charges are increased by such Amendment or Substitution shall be entitled to reasonable

reasonable Notice thereof before Payment of the Charge is demanded, and they may appeal from the amended or substituted Charge in the same Manner as from the original Charge, and the Charge shall be deemed to be made when they receive Notice of the
5 Alteration.

In case the Local Authority or Collecting Officer make Default in raising or paying the Amount called for in the Precepts or Orders of the Board, any One Justice, on the Complaint of the Clerk of the Board, and after Summons to the Party complained
10 against, may order that the Amount be levied by Distress and Sale of the Goods of the Authority or Officer.

The Sums may be recovered by Action or Plaint from the same or any succeeding Authority or Officer.

110. The Main and Local Contributions and Rates raised by the Board under this Act shall be deemed to be a Tax on the Owners of the Premises charged, but the Board, Local Sewer Authority, or other Collecting Officer under this Act may require and enforce by Distress and Sale the Payment of any Contributions or Rates which the Owner of any Premises may be liable to pay under this
20 Act, either from the Owner or from any Person who then or at any Time thereafter occupies such Premises.

And the Owner shall allow every such Occupier to deduct all Sums of Money which he so pays, or which are levied by Distress and Sale, out of the Rent from Time to Time becoming due in
25 respect of the Premises, as if the same had been actually paid to such Owner as Part of such Rent.

But no such Occupier shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Contribution or Rate from such
30 Occupier, and after Notice not to pay to the Owner any Rent without first deducting the Amount of such Contribution or Rate becomes payable by such Occupier, unless he refuse, on Application being made by him for that Purpose by or on behalf of the Board, Local Sewer Authority, or Collecting Officer, truly to disclose the
35 Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier.

111. If the Landlord of any Premises from whom, as Owner, any Amount shall be deducted in his Rent, in respect of any Contribution or Rate payable by the Owner, under this Act, shall hold the
40 [3.] G 2 Premises

Recovery of Sums called for.

Drainage Contributions and Rates to be Owners Tax.

Deduction by Owner paying Rent where

Amount of
Expense
deducted
from Rent
paid to him.

Premises at a Rent not less than the Rackrent, he shall be entitled to deduct the whole Amount paid or allowed by him from the Rent payable by him to his superior Landlord ; and if he holds at a Rent less than the Rackrent, he shall be entitled to deduct from the Rent so payable by him a Sum bearing the same Proportion to the Amount of the Contribution or Rate paid or allowed by him as his Rent bears to the Rackrent. 5

And if the Owner or Landlord from whose Rent any Deduction be made under the Provision last aforesaid be himself liable to the Payment of Rent for the Premises in respect of which the Deduction shall be made, and hold such Premises for a Term of which less than Twenty-one Years is unexpired, but not otherwise, he may deduct from the Rent so payable by him a Sum bearing the same Proportion to the Sum deducted from the Rent payable to him as the Rent payable by him shall bear to the Rent payable to him, and so on in succession with respect to every Landlord of the same Premises, both receiving and liable to pay Rent in respect thereof, and holding the same for a Term of which less than Twenty-one Years shall be unexpired as aforesaid. 10 15

Provided always, that nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him : Provided also, that nothing herein contained shall be taken to affect any Contract made or to be made between any Owner or Occupier of any House, Building, or other Property whereby it is or may be agreed that the Occupier shall pay and discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord and Tenant with respect to the Application of Contributions and Rates. 20 25 30

Contribu-
tions pro-
spective or
retrospec-
tive.

112. Contributions or Rates may be raised for defraying all Expenses incurred or to be incurred by the Board under the Authority of this Act.

Law Costs.

113. All Costs and Expenses incurred by the Board in instituting or defending any legal Proceedings instituted or defended by them in their Character of a Board may be defrayed out of the Contributions or Rates raisable by them. 35

Application
of Funds.

The Board may apply Contributions, Rates, and Monies received to any Purposes of the Act, but the Liability of Ratepayers is not thereby to be extended or affected. And in case of a Division of Funds from one Rate or Contribution to answer the Purposes of another, the Board shall make good, by and out of the proper 40

proper Rates or Contributions, the Money so applied out of the other Rate.

114. Private Contributions are for Expenses incurred in Works and Services authorized by this Act for private Premises. They are to be made on the Premises for whose Use the Expenses were incurred, and are to be payable by Instalments in Number sufficient to discharge the Expenses and Interest within a Time to be fixed by the Board, not exceeding Ten Years; but such Amount is not in Ten successive Years to exceed One Year's Rackrent of the Property without Consent of the Owner thereof; and each Contribution shall be for a Period not above One Year.

Private
Contribution
Works
and Services;
on Property.

115. Private Contributions may be charged on the Owners or Occupiers of the Premises, or distributively between them.

And the Owner's and Occupier's Contributions respectively shall be leviable and recoverable together with the Costs and Charges of in manner herein-after mentioned.

Owner's and
Occupier's
Shares of
such Contributions.

The Owner's Contributions may be levied on the Goods of the respective Owners of such Premises by Distress, Action, Plaint, or other Proceeding, in the same Way as Rates to such Amount by or due from the Occupiers of such Tenements might by this Act, or otherwise, be levied on the Goods of or recovered from such Occupier.

And further, the Goods of the Occupiers of such Premises for the Time being shall, until such Amount be fully discharged, be liable to be distrained and sold for the Payment of such Part of the Amount for the Time being due as shall be unpaid; and such Occupiers shall be entitled to such Right of Deduction in Rent from the Owner as herein-before mentioned in the Case of Local Contribution Rates.

The Occupiers Contribution shall be levied in the same Manner as Rates for local Works and Services under this Act, but without Power of Deduction from the Rent payable by such Occupiers to any Landlord.

116. Wherever any Premises in respect of the Expenses for Works for which any private Rate or Contribution has been charged under this Act are wholly or partly destroyed, pulled down, or suffered to fall into Decay, or are subdivided into Tenements of Occupation, or have their Boundaries altered, and whenever from any other Course it appears to the Board that the Recovery of such Expenses by a private Rate or Contribution may be impracticable or practicable only at an undue Cost or with undue Difficulty or Delay, then and in any such Case the Board may order that such Expenses, so far as

Summary
Recovery of
Private
Works
Expenses in
certain Cases.

the same remain unpaid, or such Part as they think fit, shall be repaid with Interest and Costs by the Owner for the Time being of the Premises or the Site, or some Part thereof on Demand, or at such Time and by such Instalments as the Board appoints; and the same shall be recoverable in manner herein-after mentioned. 5

Proceeding
by Distress.

117. For private Contributions and Costs against Persons recoverable by Distress and Sale under this Act, the Proceeding shall be summary, by Warrant under the Hands and Seals of Two or more Justices of the Peace of the County or Place where the Persons reside or their Goods are, on the Complaint of the Officer empowered to receive the Money, or by his Action or Plaint. 10

Apportion-
ment and
Recovery of
Private Con-
tributions.

118. And for the Purpose of ascertaining and recovering from Owners in the Case last aforesaid the Cost or their Proportions of the Cost of Construction, Repairs, or Improvement of private Drainage Works under this Act, the Officers of the Board shall make out an Account of the Expenses of such Construction, Reparation, or Improvement, and produce the same to any Two or more Justices of the Peace acting for the County or Place where such Works or so much thereof as was repaired lie, the Officers of the Board leaving or affixing Six Days Notice in Writing at or on the Premises of their Intention to make Application to such Justices for an Order for Payment of such Costs or apportioned Costs; and it shall be lawful for the Justices to examine the Accounts and Statements produced by the said Officers, and by Inquiry from such Officers or otherwise to ascertain the Costs of the Works of Drainage, and by their Order to fix the Proportions to be paid by the Owners of the Premises concerned amongst themselves, as the Justices deem fair. 15 20 25

And if any Owner neglect or refuse to pay the Sum directed by the Justices to be paid by him, the same shall be levied by Distress and Sale of the Goods and Chattels of the Owner so neglecting or refusing to pay, or of the Occupier of his Premises, in manner and subject to Deduction as aforesaid. 30

*Borrowing
Powers.*

119. With the Sanction of the Secretary of State, the Board may borrow at Interest, on the Credit of the Contributions and Rates authorized to be by them raised under this Act, any Sums of Money necessary for the following Purposes : 35

Purposes of
Loans.

Purchase Money of Land and Costs incident to such Purchase ;
Defraying the Expenses of permanent Drainage Works, including Machinery and Apparatus thereon. 40

For

For securing the Repayment of any Sums so borrowed, together with Interest, the Board may mortgage to the Persons by or on behalf of whom such Monies are advanced the Contributions or Rates raisable under this Act for the Drainage Works therewith executed or to be executed.

Mortgage of Rates and Contributions.

The Commissioners acting in the Execution of the Act of the Session holden in the Nineteenth and Twentieth Years of the present Reign, Chapter Seventeen, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, may make Advances to the Board upon the Security of all or any of the Contributions or Rates to be raised by them under this Act.

Public Loans Commissioners authorized to lend Money to Board.

Monies borrowed shall be repayable by Instalments within a Period not exceeding Thirty Years, agreed upon between the Board and Lenders with the Sanction of the Secretary of State, Interest being payable half-yearly.

Period of Repayment.

The Mortgage Bond or other Instrument of Security shall be made or granted pursuant to the Order or Resolution of the Board, and shall be sealed with their Seal by the Board. Such Instrument shall be binding and conclusive on the Board and their Successors.

Form of Security.

120. No Corporate Body or Person or Persons lending or proposing to lend Money to the Board under the Provisions of this Act shall be bound to see or inquire into the Application of the Money lent, nor shall any such Body or Person or Persons be bound to ascertain that the Proceedings of the Board in the Matter of borrowing were legal or regular.

Lenders not bound to inquire into Application of Money, Regularity of Proceedings, &c.

121. Where the Board borrows Money for the Purpose of defraying Expenses in respect of which they have determined that a Part only of the District within their Jurisdiction is to be liable, it shall be the Duty of the Board, as between such Part and the whole District, to pay off the Money so borrowed, with Interest thereon, out of Contribution or Rates to be so raised on such Part of the District only.

Allocation of Mortgage Debt.

122. The Clauses of the Commissioners Clauses Act, 1847, with respect to Mortgages to be created by the Commissioners, shall form Part and be incorporated with this Act.

Incorporation of certain Clauses of Commissioners Clauses Act.

123. Any Mortgagee or Assignee may enforce Payment of the Principal and Interest by Appointment of a Receiver.

Appointment of a Receiver on Failure of Local Board.

A Receiver may also be appointed in the event of the Failure properly to constitute a Board, or of Lapse, from Death, Resignation, Disqualification, or other Causes, of the Members or Persons

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appointed

appointed the Board; and such Receiver may make as well as collect Contributions required to satisfy the Liabilities of the Board, and may recover and receive and give Discharges for all Arrears and Monies due to the Board, and apply the same to meet such Liabilities.

5

Custody of
Monies.

124. All Monies arising from Contributions or Rates raised by the Board under this Act, shall on Receipt thereof by the Treasurer be lodged to the Credit of an Account to be kept in the Name of the Board in some incorporated or Joint Stock Bank or Branch thereof to be for that Purpose appointed by the Board, and the Interest accruing on such Account shall be accounted for to the Board.

10

Drafts on
Bank Ac-
counts kept
by the
Board.

125. Cheques or Drafts on any Bank Account kept in the Name of the Board shall be signed by the Treasurer, and the Treasurer shall make no Drafts on such Account for other Purposes than the Payment which shall from Time to Time be authorized by the Board.

15

Accounts.

Books of
Account to
be kept.

126. In regard to Accounts, the following Regulations shall apply:

The Board shall keep proper Books of Account in which they shall cause punctually to be entered Items of all Contributions, Rates, Loans, Fees, and other Monies received by them, and of the Application thereof, distinguishing the Times and Places of Receipt and Payment, and the Local Districts, Places, Services, and Works in and for which the same were received and expended.

25

Yearly
Statement.

127. The Board shall balance their Accounts on the *First* of *January* yearly, and they shall make out a Statement of Receipt and Expenditure for the Year, in which also shall be shown known Claims and Demands by and against the Board, and accompanying which shall be a Statement of the Works in the course of Execution by and for the Board.

30

Auditor to
be appointed
by Secretary
of State.

Auditor's Re-
muneration.

128. An Auditor of the Accounts of the Board shall be appointed by the Secretary of State, by whom also he may be removed, and on a Vacancy, however caused, another appointed.

The Auditor shall be paid by the Board out of the Common Fund a Sum not exceeding Two Guineas for every Day that he is fully employed in such Audit, and he shall further be repaid all Expenses that he is put to in and about the Audit in travelling or otherwise.

35

The

The Auditor shall give to the Board Fourteen clear Days Notice of the Day fixed by him for the Audit.

Auditor's
Notice of
Audit.

129. Seven clear Days at least before the Day of Audit the Board shall give Notice twice in a Newspaper of the Audit Day, and that the Books and Accounts made up and balanced to the preceding *First of January*, together with the annual Statement for that Year, are deposited at the Office of the Board for the Inspection of Payers of Poor Rates and Owners of Property within the Taxation Area of the Main Drainage District, and Mortgage Creditors of the Board, upon Payment of the Fee of *One Shilling* for each Inspection.

Board's
Notice of
Audit.
Books to be
open to
Inspection of
Ratepayers,
&c.

Any Officer of the Board duly appointed in that Behalf, neglecting to make up the Books and Accounts of the Board, or to make out the annual Statement, or altering such Books or Accounts, or allowing them to be so altered when duly made up, or refusing to allow an Inspection of such Books, Accounts, or Statement, shall on summary Conviction be liable to forfeit not exceeding *Forty Shillings* for each Offence.

Penalty on
Officers not
producing
Books, &c.

130. At the Audit the Board by their Clerk or other appointed Officer shall produce the Books of Accounts and the annual Statement and the proper Vouchers for the same.

Manner of
Audit.

Any Ratepayer, Owner of Property, or Mortgage Creditor as aforesaid may be present at the Audit, and make any Objection to the Accounts before the Auditor.

The Auditor may by Summons require Production before him of all Books, Documents, and Papers held by or belonging to the Board or accountable Persons as he deems necessary, and he may require any Person holding or accountable for any such Books, Documents, or Papers to appear before him at any such Audit, or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the Accounts.

Auditor's
Powers.

The Auditor shall disallow any Items of the Accounts which he considers illegal or misappropriated, or surcharge any Officer or Agent of the Board whom he may deem responsible for any Monies received or which ought to have been received by him, and which is not duly accounted for and vouched.

The Auditor shall certify what he so finds to be due, and from whom, and upon Application by any Person concerned he shall state in Writing his Reasons for any Allowance, Disallowance, or Surcharge.

131. Any Party aggrieved by Allowance, Disallowance, or Surcharge by the Auditor, may either apply to the Court of Queen's Bench for a Writ of Certiorari to remove the Auditor's Determination

Appeal from
Auditor's
Determina-
tion.

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H

into

into that Court in like Manner, and subject to the like Conditions, and with the like Powers in the Court of dealing therewith, as are provided in the Case of Disallowances by Auditors under the Poor Laws; or in lieu of such Application the Person aggrieved may appeal to Secretary of State, who on such Appeal shall have the like Powers as are possessed by the Poor Law Board in the Case of Appeals against Disallowances and Surcharges by Poor Law Auditors.

Recovery of
Disallow-
ances.

132. Every Sum certified to be due from any Person by the Auditor under this Act shall be paid by such Person to the Treasurer of the Board within Fourteen Days after the same has been so certified, 10 unless there be an Appeal against the Decision.

If such Sum be not so paid (there being no such Appeal) the Auditor shall recover the same from the Defaulter by the like Process and with the like Powers as in the Case of Sums certified upon the Audit of the Poor Rate Accounts, and the Auditor shall 15 be paid by the Board all Expenses (including a reasonable Compensation for his Loss of Time) incurred by him in such Proceedings as shall not be recovered by him from such Person.

Abstract of
Accounts.

133. An Abstract of the audited Account of the Board shall be published yearly in such Manner and Form as the Secretary of 20 State prescribes.

PART XI.

Common Provisions as to Legal Proceedings.

Offences.

Common
Provisions.

134. With respect to Offences, the following Provisions apply to several Cases under the Act: 25

Any Person who wilfully disobeys the lawful Summons of the Superintending Inspector or Auditor of Accounts under this Act or refuses to give Evidence, or wilfully alters, suppresses, conceals, destroys, or refuses to produce any Books, Deeds, Papers, Accounts, and Writings, or Copies of the same which he 30 may be lawfully required to produce before the Superintending Inspector or Auditor, and any Collecting Officer or other Person liable under this Act to account to the Board, if he fail to pay over Monies or Rates as received or to render an Account or to produce such Vouchers, Counterfoils, and 35 Receipts as are required under this Act for the Space of Twenty-one Days after being thereunto required, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*, to be recovered in a summary Manner:

Any

Any Person who makes or subscribes a false Declaration under this Act, knowing the same to be untrue in any material Particular, shall on Conviction thereof suffer the Penalties of Perjury :

- 5 Any Person who wilfully obstructs the making or doing by the Board, or any other Authority, of the Works authorized by this Act, or any Provisional Order under the same : Penalty for obstructing the Board.
- And any Person who wilfully injures any such Works so made, shall for each Offence incur a Penalty not exceeding *Five*
- 10 *Pounds*, to be recovered in a summary Manner.

135. In case of any Demand or Complaint under this Act to which Two or more Persons being Owners or Occupiers of Premises, or partly the one and partly the other, may be answerable jointly or in common, or severally, it shall be sufficient to proceed against
- 15 any one or more of them, but this is not to prejudice any Right of Contribution between or amongst the Parties themselves. Proceedings against One where several Parties liable.

136. When Proceedings are to be taken against several Persons in respect of One Offence or Nuisance caused by the joint Act or Default of such Persons, those Persons may be included in One Complaint
- 20 before Justices and One Summons by Justices, and the Order may be made upon all or any of the Persons summoned, and the Costs distributed as to the Justices may seem reasonable. Single Proceedings against several Persons.

137. Where any Offence under this Act is committed in or upon any Waters forming the Boundary or reputed to form a Boundary
- 25 between any Two Counties, Districts of Quarter Sessions or Petty Sessions, or between a County and a City or Borough, such Offence may be prosecuted before any Justice or Justices of the Peace in either of such Counties or Districts, Cities or Boroughs. Offences committed on Borders of Counties, &c. triable in either.

138. Any Offence committed under this Act, on the Sea Coast or at Sea, beyond the ordinary Jurisdiction of any Justice of the Peace, shall be deemed to have been committed within the Body of any County abutting on such Sea Coast or adjoining such Sea, and may be tried and punished accordingly. Offences committed on the Sea Coast.

139. In relation to pecuniary Penalties and Forfeitures recoverable under this Act in a summary Manner: All the Provisions contained in this Act of the Eleventh and Twelfth Years of the present Reign, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Ses-
- 35 [3.] H 2 Pecuniary Penalties. 11 & 12 Vict c. 43. to apply.

sions within England and Wales with respect to Summary Convictions and Orders," and which are or shall be contained in any Act amending the same, relating to the Proceedings for the Recovery of Penalties by summary Convictions, and the levying and enforcing of Penalties, and the Cost of such Proceedings, shall 5 be applicable hereto.

Application
of Penalties.

All Penalties and Expenses received by the Board shall be applied by the Board in aid of the Common Fund for defraying the Expenses incurred by them in carrying into execution the Provisions of this Act. 10

Penalties to
be proceeded
for within
Six Months.

No Person shall be liable for the Payment of any Penalty or Forfeiture under this Act, or any Byelaw made by virtue thereof for any Offence made cognizable before a Justice, unless proceeded against within Six Months next after the Commission or Discovery of such Offence. 15

Costs.

The Expenses of Prosecution and Determination are, on Conviction of a Party proceeded against summarily under this Act, to be ascertained by the Justice or Justices, and recovered from such Party.

Pecuniary
Demands.

140. The Course of proceeding under the above-mentioned Act 20 for the Recovery of pecuniary Demands shall be applicable to Monies recoverable by Warrant or Order of Justices under this Act.

Appeals.

141. In regard to Appeals:

Appeal by any Person aggrieved shall be allowed to the General or Quarter Sessions of the Peace in the following Cases: 25

Against any Determination or Adjudication of a Justice or Justices summarily with respect to any Penalty or Forfeiture under this Act:

Against any Order, Requisition, Contribution, or Rate made or called for by the Board, or any Act done by them: 30

But no such Appeal shall be entertained unless it is made within Four Months next after the making of such Determination, Order, or Requisition, or the making such Rate, or the doing of this Act, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, is given to the Board, nor unless the Appellant, within Four Days after the Service of such Notice, enter into Recognizances, with Two sufficient Sureties, before a Justice of the Peace, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon. 35

The Court shall proceed to consider the Grievance only, and the 40 Court may confirm or modify the Proceeding below accordingly.

If

If at any Time after Notice of Appeal has been given, and such Recognizance has been entered into as aforesaid, it appears to the Court of quarter Sessions, on the Application of either Party, that the Matter in question in such Appeal consists wholly or in part of
5 Matters of mere Account, or of engineering or other scientific Questions, which cannot be satisfactorily tried by the Court, it shall be lawful for such Court to order that such Matters either wholly or in part be referred to the Arbitration of One or more Persons named by the Parties, or, in case of Disagreement, by the Court;
10 and the Award made on such Arbitration shall be enforceable by the same Process as the Order of the Court of Quarter Sessions.

Power to refer Case to Arbitration.

The Provisions of "The Common Law Procedure Act, 1854," relating to compulsory References shall be deemed to extend to Arbitrations directed by the Court of Quarter Sessions; and the Word
15 "Court" in the said Act shall be deemed to include the Court of Quarter Sessions.

Incorporation of Proceedings of the Common Law Procedure Act.

PART XII.

Indemnity and Compensation Provisions.

142. The Members of the Board, their Officers and others executing this Act, shall not be personally liable for Things done or Contracts entered into bona fide for the Purpose of this Act; and all their Expenses in and about the same shall be repaid out of the Funds of the Board under this Act.

143. If any Party has committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution or intended Execution of this Act, or any Act, or by virtue of any Power or Authority hereby given, and if before Action or Plaint in respect thereof such Party makes Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in such Action or Plaint; and if
25 no such Tender or no sufficient Tender has been made, it shall be lawful for the Defendant, by Leave of the Court where such Action or Plaint is pending, at any Time before Issue joined, to pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are
30 allowed to pay Money into Court.

Tender of Amends.

144. The several Forms contained in the Schedule to this Act annexed, or Forms to the like Effect, with such Additions and Alterations (if any) as Circumstances require, may be used for any of the Purposes of this Act for which such Forms are applicable,
40 and shall be sufficient in that Behalf.

Forms in Schedule may be used.

Compensation for Damage to Property of Board recovered along with Penalty.

145. If, through any Act, Neglect, or Default on account whereof any Person has incurred any Penalty imposed by this Act, any Damage to the Property of the Board has been committed by such Person, he shall be liable to make good such Damage as well as to pay such Penalty; and the Amount of such Damage, in case of Dispute, shall be determined by the Justices by whom the Party incurring such Penalty is convicted, and the Payment of the Amount of such Damage may be enforced in all respects as such Penalty. 5

Decision of Questions by Justices or Arbitration.

146. Where any Questions are declared by this Act to be determinable, at the Option of the Owner or other Claimant by Justices or by Arbitration, the Owner or Claimant shall be deemed to have declared his Assent to the Determination thereof by Justices, unless he require the Clerk of the Board to refer the same to Arbitration by Notice under his Hand served on the Clerk within Ten Days after he has received Notice from the Board of their Intention to have such Questions determined; and where the Justices have cognizance of the Case the same Proceedings shall be had (whatever be the Amount of Compensation claimed) as are prescribed under "The Lands Clauses Consolidation Act, 1845," in case of a Question of disputed Compensation authorized to be settled by Two Justices. 10 15 20

Arbitration.

147. Where such Questions are referred to Arbitration under this Act, the same Proceedings shall be had as are prescribed by the said Lands Clauses Act where any Question of disputed Compensation authorized to be settled by Arbitration has arisen; subject to this Proviso, that the Costs of such Arbitration shall be in the Discretion of the Arbitrators. 25

Power for Board to give Compensation for fouling Streams until Main Works be completed. Amount raisable by Rate.

148. The Power of making Compensation for Damages hereinbefore contained shall extend to authorize the Board to give full Compensation to the Owners and Occupiers of any Lands for any Damage or Injury sustained by them respectively by reason of the Sewers or Drains of a local District or Place which open into any River or Stream continuing so to discharge their Contents thereinto, until Drainage Works be made or Means be used for carrying off or defecating the same: Provided always, that if the Board shall refuse or neglect to admit the Claim of any such Owner or Occupier to Compensation for any Damage or Injury alleged to be sustained by him from the Cause aforesaid, and such Owner or Occupier should bring or institute any Action or Proceeding to try the Question of Right against any Persons or Person whom he should deem liable in Law to answer in Damages any such alleged Injury, the Board may, if they should so think fit, at the Request of the Person or 30 35 40 Persons

Persons against whom any such Action or Proceeding is brought or instituted, defend the same in his or their Name or Names, or compromise, adjust by Arbitration, or otherwise settle any such Action or Proceeding, upon such Terms and in such Manner as they
 5 may think reasonable. And any Sum or Sums of Money which the Board disburses or incurs in or about the Payment of any such Compensation, or the Trial or Settlement of any such Claim, and all Damages, Costs, Charges, and Expenses incident thereto respectively, shall be defrayed by means of a Rate or Rates in nature of a Local
 10 or a Private Contribution under this Act, to be from Time to Time levied by the Board upon the Place or the Owners and Occupiers of Premises contributing to the Sewerage or Drainage by which the Injury or Damage or alleged Injury or Damage is occasioned as aforesaid, or such of them as in the Judgment of the Board would
 15 be liable in Law to answer for the same.

PART XIII.

Home Office Control.

149. Under the Direction of the Secretary of State the Super-
 intending Inspector shall have full Power at all reasonable Times
 20 to enter upon any Drainage Works or Premises of the Board, or of any Local Sewer Authority, and to survey and inspect the same, and to call for and require from any Member of the Board, or any Officer thereof, or of such Authority, the Production of any Contracts, Specifications, Estimates, and Accounts of the Board, or Authority
 25 in relation thereto.

Superintending Inspector to visit Works, &c.

The Inspector may apply any Test or make any Experiment which he may think proper for the Purpose of ascertaining the State of the Waters discharged from the Drainage Works of the Board or such Authority.

30 The Inspector shall make a Report on the Subject of the Reference to the Secretary of State.

150. If at any Time Complaint be made to the Secretary of State by not less than Twenty Inhabitants, Ratepayers of any Parish or Place adjoining the River or Stream, that the Sewage of
 35 any District is by the Local Sewer Authority of such District discharged or allowed to flow directly or indirectly into a River or Stream, and that by reason thereof the Waters of the River or Stream are polluted so as to be injurious to Public Health in the complaining Parishes or Places, or that in or about the deodorizing
 40 of any Sewage, or in the Execution of any Drainage Works under this Act, a common Nuisance to such Parish or Place is committed,

Power for Ratepayers to complain of Sewage Outfalls or Works to Secretary of State.

the Secretary of State may cause Inquiry into such Complaint, and appoint a Superintending Inspector to conduct such Inquiry in such Manner as the Secretary of State may direct, and he shall report thereon to the Secretary of State.

Prosecution
may be
directed.

151. If on such Report in any of the Cases aforesaid a Nuisance be ascertained to exist, the Secretary of State may direct any Prosecution or Prosecutions to insure the Abatement thereof.

Orders
given.

And for the Prevention of such Nuisance in future the Secretary of State may make such Order to be given as he may think just and reasonable in the Matter;

And all such Orders shall be binding and conclusive in respect of the Matters to which they refer.

And the Secretary of State may make Orders as to the Costs of any such Visitation or Complaint and Injury, in regard to their Amount, to whom to be paid, and by whom to be borne, and the Time of Payment; and any such Order may be made a Rule of One of the Superior Courts of Law on the Application of any Party named therein.

Expenses.

152. All Expenses incurred by the Secretary of State or Superintending Inspectors under this Act, for which no other Means of Payment are provided, shall be borne by the Consolidated Fund.

*Provisional
Orders.*

153. The following Provisions apply to Provisional Orders under the Act in general :

Common
Provisions.

When Order
made, Pre-
liminaries
deemed
correct.

Parliamen-
tary Confir-
mation of
Provisional
Orders.

The making of a Provisional Order shall be conclusive Evidence that all the Requirements of this Act in respect of the Proceedings preliminary to such making have been duly complied with.

The Secretary of State shall, as soon as conveniently may be, take all necessary Steps to the Confirmation by Parliament of the Provisional Orders issued by him under this Act.

Previous to such Confirmation, the Provisional Order shall be of no Validity. If a Petition be presented to either House of Parliament against a Provisional Order in the Progress through Parliament of the Bill for confirming the same, the Bill, so far as it relates to such Order, may be referred to a Select Committee, and the Petitioners shall be allowed to appear and oppose it as in the Case of Private Bills.

Every Act of Parliament confirming a Provisional Order shall be deemed a Public General Act.

Costs of
Provisional
Order.

The Expenses incurred by the Secretary of State in relation to any Provisional Order shall, to such an Extent as the Treasury think fit to direct, be repaid by the Board to the Treasury by annual

annual Instalments not exceeding Five, together with Interest at *Five Pounds* per Centum per Annum, commencing from the Date of the Order, and payable on the Amount of the Principal from Time to Time unpaid; for defraying which Instalments and Interest
5 the Board shall apply the Funds derived from such Local Districts or Places as the Board thinks just.

PART XIV.

Altering Limits of Works beyond Limits of Main Drainage District.

*Extra-
Limitary and
Collateral
Works.*

154. Upon the Application of the Board or (if Two or more are
10 interested) the Boards concerned, and upon such Evidence as he thinks fit to require, the Secretary of State may issue a Provisional Order for altering the Limits of a Main Drainage District.

Provisional
Order for
altering
Limits of
Main Drain-
age District.

155. With respect to Works between Main Drainage Districts :
Drainage Works may be done in One Main Drainage District,
15 for the joint Use of that District and of any adjacent District or Districts, or for the Improvement and Benefit of any adjacent District or Districts, in manner to be agreed upon between the Boards of such Districts or their Engineers, or of an Umpire to be appointed between them.

Joint or Bor-
der Works of
Main Drain-
age Districts.

20 In the Execution of such Works wholly or in part the Boards concerned may use joint or separate Action, and the Expenses of such Works shall be paid by the adjacent Districts concerned, and in such Proportions, or by either of them, as shall be mutually determined, on by the Boards of such Districts, but in case they
25 cannot agree the same shall be settled by Arbitration under the Lands Clauses Consolidation Act, 1845.

The Expenses of joint Works, and the Monies contributed by One District to another, shall be payable out of the Common Fund or Funds of the District or Districts charged therewith.

Incidence of
the Costs.

30 The Board of one Main Drainage District may contribute to the Works done by the Board of adjacent Main Drainage District, when the same are for the Benefit of both Districts.

Contribu-
tions by one
Main Drain-
age District
to another.

156. And with respect to Private Land Drainage Works :

35 The Board may, on the Application in Writing of any Owners of Lands, exercise the general Powers given by the Act for the Purpose of constructing, maintaining, and repairing any Drain or Watercourse in or through any Land within the District into the River or Streams thereof, or any Channel connected therewith

Power to do
private
Works of
Land Drain-
age.

for effecting or improving Land Drainage, under the Regulations following :

The Board shall describe or mark on a Plan the Lands represented by the Application, and which they deem will be benefited by the Works when made, and shall assess Rates thereon to defray 5 the Expense of making and repairing such Works, to be paid by the respective Owners of the Lands benefited by the Construction thereof, with Power to resort to as well as charge Occupiers in the same Manner as in the Case of private Contributions charged by the Board under this Act. 10

If it should be necessary, for obtaining an Outfall or otherwise securing the Efficacy of the Drainage, to carry the Drain or Watercourse through Lands of Persons not Parties to the Application, such Persons shall be entitled to Compensation 15 for Injury to the Lands ; and if the Amount of Compensation offered by the Board to any such Person shall be deemed unsatisfactory, any such Person may have the Amount of Compensation to him settled by Justices or by Arbitration under this Act.

Extension of
Borrowing
Power to the
Cases of
Joint Works.

157. All or any Part of the Expenses of Private Land Drainage 20 Works, and the Shares or Contribution of Districts to Works between Main Drainage Districts, may, in the Discretion of the Board or Boards concerned, be defrayed by Money borrowed on Credit of the Contribution or Rates which such Expenses are chargeable under this Act ; and the Powers for raising Money by Loan and incident thereto 25 under this Act are applicable to the Cases above-mentioned.

PART XV.

Transitory Provisions, Savings, &c.

158. With regard to transitory Concerns, where a Private or Local Act of Parliament is repealed by a Provisional Order such Repeal shall not affect anything done or Security duly given before 30 the Repeal takes effect ;

Nor any Liability accrued ;

Nor any Penalty, Forfeiture, or other Punishment incurred, in respect of any Offence committed before the Repeal takes effect.

Nor the Institution of any Legal Proceeding or any Remedy for 35 ascertaining, enforcing, or recovering any Liability, Penalty, Forfeiture, or Punishment.

Whenever the Rights or Objections of any Body or Officers are transferred over to another, their Contracts, Deeds, and Securities 40 shall

shall avail for and against the new or substituted Body, and the Extent of such Liabilities and Obligations shall be taken into account on estimating the Value of their Property, and Claims of such former Body or Officer.

5 The Official Books, Papers, and Effects of such Body or Officer, in whosoever's Hands the same may be, shall be delivered over to and shall be Evidence for and against the new or substituted Body.

10 **159.** Where any Person is liable to the Burden of making, maintaining, or repairing any Drainage Works, or any Sea or River Wall or Works for Defence from Floods or Waters, or the like, or to defray or contribute towards the Expense for such Works, such Liability shall continue undiminished; and in case the Works require Extension, Alteration, or Improvements the Board may make the same, and divide the Expense thereof, and of the future Maintenance
15 thereof, between the Party liable to Maintenance and Repairs of the original Works, and the District or others benefitted by the extended Works.

160. This Act may be amended or repealed by any Act to be passed in this Session of Parliament.

20 **161.** All Provisions in any Local Act of Parliament inconsistent with the Provisions of this Act are hereby repealed.

The SCHEDULE referred to in this Act,

————— WATERS PROTECTION BOARD.

Ordered, that a Rate be made, and a Rate is hereby made, by the Waters Protection Board for the Local Board District of

[or that Part of the Local Board District of 5
denominated the or otherwise distinguishing the same]
for raising the Sum of £ assessed by the Board on such Local
Board District [or such Part of the said Local Board District] for
the Expense of this Board in the Execution of the [insert the Short
Title of this Act]. 10

Common Seal of the

Waters Protection Board.

Form of Resolution for Precepts for Contributions to issue.

————— WATERS PROTECTION BOARD.

Resolved that the following are the Sums which ought, in the
Judgment of this Board, to be charged upon the several Local Dis- 15
tricts, and Parts of the Taxation Area of the Waters Main Drainage
District, for defraying the Expenses of the Board in the Execution
of the Act [insert the Short Title of this Act], for the Year ending
18 , under and pursuant to the said Act and herein-after specified,
and they are hereby assessed upon such Local Districts and Parts 20
respectively, and that Precepts under the Common Seal of the Board
do issue for obtaining Payment thereof.

Dated

Name or Description of Districts, Parts, and Places.	Sums to be contributed.

Form of Precept to a Local Board, demanding a Sum assessed upon the whole or Part of their District, or an Amount consisting of a Sum assessed upon the whole District, and a Sum or Sums assessed upon a Part or Parts of the same District.

5 To the Local Board of the District of _____ within the
Taxation Area of the _____ Waters Main Drainage District.

By virtue of an Act [*insert Short Title of this Act*] the
Waters Protection Board do issue this their Precept under their
Common Seal to you the said Local Board, hereby requiring
10 you to pay to _____ on or before the
_____ Day of _____ now next ensuing,* the Sum of
_____ Pounds _____ Shillings and _____ Pence, being the
Sum which ought, in the Judgment of the said Board, to be charged
upon your District _____ for defraying the Expenses of the
15 same Board in the Execution of the said Act, and which they the
same Board did on the _____ Day of _____ 18 _____ ascer-
tain and assess upon your said District for such Purpose under the
Provisions of the said Act.

20 **[Where the Amount demanded is made up of a Sum assessed upon
a whole District of the Local Board, and also of a Sum or Sums
assessed on a Part or Parts of the same District, the Form
may be as follows:]*

The Sum of _____ Pounds _____ Shillings and
Pence, Part of which, namely the Sum of _____
25 Pounds _____ Shillings and _____ Pence,
is the Sum which ought, in the Judgment of the Board, to be
charged upon the whole of your District for defraying the Expenses
of the _____ Waters Protection Board in the Execution of the said
Act, and which they the said Board did on the _____ Day of
30 18 _____ ascertain and assess upon your whole District for such Purpose
under the Provisions of the said Act in that Behalf; and the Residue,
namely, the Sum of _____ Pounds
Shillings and _____ Pence, is the Sum which ought in
the Judgment of the _____ Waters Protection Board to be charged
35 upon the Part specified in the Schedule of your said District for
defraying the Expenses of the Board in the Execution of the said Act,
and which they the same Board did on the _____ Day of
18 _____, ascertain and assess upon the same Part of your said District
for such Purpose under the Provisions of the said Act.

40 Dated this _____ Day of _____ 18 _____
(Common Seal of the Board.)

Form of Precept to a Local Board where particular Sums are
assessed upon Parts within the District.

To the Local Board of the District of
within the Taxation Area of the Waters Main Drainage.
By virtue of an Act [*here insert the Short Title of this Act*] the 5
Waters Protection Board do issue their Precept under their Common
Seal to you the said Local Board, hereby requiring you to pay to
the on or before the Day
of now next ensuing the Sum of
Pounds Shillings and Pence, 10
being the Amount of the several and respective Sums of Money
hereunder set down and expressed opposite to and against the
several Places and Parts within your said District herein-after
mentioned, which said several Sums ought, in the Judgment of the
said Board, to be charged upon the said Places and Parts respec- 15
tively for defraying the Expenses of the said Board in the Execu-
tion of the said Act, and which they the said Board did on the
Day of 18 ascertain
and assess upon the said several Places and Parts for such Purpose
under the Provisions of the said Act. 20

Names of		
The Parish of that Part of the Parish of within the said Local District which [(<i>describing same</i>) <i>in the Case of a Part of a Parish, &c.</i>]		25

River Waters Protection.

A

B I L L

To amend and better to administer the
Laws for Protection of Waters in
Rivers and Streams in England.

(Prepared and brought in by
Lord Robert Montagu, Sir FitzRoy Kelly,
Mr. Ferrand, and Mr. Hibbert.)

*Ordered, by The House of Commons, to be Printed,
9 February 1865.*

[Bill 3.]

Under 9 oz.

Roads and Bridges (Scotland).

ARRANGEMENT OF CLAUSES.

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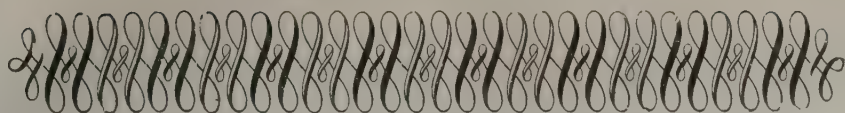
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A

B I L L

TO

Provide for the Management and Maintenance of
Turnpike and Statute Labour Roads and Bridges
in Scotland.

WHEREAS it is expedient that the public Roads and Bridges in Scotland should be placed under uniform Management and Control, and that Provision should be made for the Regulation or Abolition of Tolls, for the Abolition of Statute Service and Statute Labour Conversion Money and Bridge Money, and for ascertaining and redeeming the Debts chargeable on Roads and Bridges; and that Facilities should be afforded for the Improvement and Maintenance and more economical Management of such Roads and Bridges: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. This Act may be cited for all Purposes as "The General Roads and Bridges (Scotland) Act, 1865."

2. In this Act the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be

Preamble.

Interpretation.

[Bill 101.]

A

be

be something in the Subject or Context repugnant to such Construction :

“ Person ” shall apply to and include Corporations and Companies :

“ Sheriff ” shall mean the Sheriff of the County, and shall include 5
Sheriff Substitutes and Steward Substitutes :

“ The Trustees ” shall mean the County Road Trustees for the
Time being appointed and acting under this Act :

“ The Road Committee ” shall mean the County Road Com-
mittee for the Time being appointed and acting under this Act : 10

“ The District Trustees ” shall mean the Trustees for any District
of a County for the Time being appointed and acting under
this Act :

“ Clerk ” and “ Surveyor ” shall respectively mean the County
Road Clerk and the County Road Surveyor for the Time 15
being appointed and acting under this Act :

“ Creditor ” shall include the Trustee, Tutor or Curator, Judicial
Factor, or Curator Bonis of any Creditor :

“ The County ” shall mean any County in which any Part or
Section of this Act has been adopted, and is for the Time 20
being in force :

“ Burgh ” shall mean and include any Royal Burgh, or any Burgh
sending or contributing to send a Member to Parliament :

“ Town Council ” shall mean the Magistrates and Town Council
or other Administrators of the Affairs of any Burgh : 25

“ Turnpike Roads ” shall include all Roads and Bridges forming
Part of any Turnpike Road Trust :

“ Highways ” shall mean and include all Statute Labour Roads
and Bridges within the County for the Time being vested in or
otherwise under the Management or Control of the Trustees, 30
and all other Roads and Bridges, when declared to be High-
ways under the Provisions of this Act :

“ Tolls ” shall include Pontages :

“ Proprietor,” “ Tenant,” “ Occupier,” and “ Lands and
Heritages,” shall have the same Meaning as is attached thereto 35
respectively in the Act Seventeenth and Eighteenth Victoria,
Chapter Ninety-one, intituled “ An Act for the Valuation of
“ Lands and Heritages in Scotland : ”.

“ Valuation Roll ” shall mean the Valuation Roll in force for the
Time being for any County and each of the Royal Burghs 40
therein, made up under the Authority of the said Valuation
Act or any other Act relating to the Valuation of Lands and
Heritages in Scotland which may be in force for the Time being :

“ Local Newspaper ” shall mean any Newspaper published in the
County, or, if there be no Newspaper published therein, any 45
Newspaper published in a County adjoining or near thereto :

Where

Where in this Act Notice is required to be given by "special Advertisement," such Notice shall be published once at least in Two local Newspapers :

5 "Maintenance and Repair" shall mean and include such Alterations on Turnpike Roads and Highways as the Trustees shall deem expedient or necessary.

PART I.

ADOPTION OF THE ACT.

SECTION 1.—*Adoption by Counties.*

10 3. The Commissioners of Supply of any County, at any Special Meeting held for the Purpose, called by the Convener of the County on a Requisition in Writing signed by any *Five* Commissioners of Supply, after Notice by special Advertisement of the Object of such Meeting *Thirty* Days previous thereto, may resolve, by the Votes
15 of not less than *Two Thirds* of the Commissioners of Supply present at such Meeting, to adopt any of the Parts or Sections of this Act.

PART I.
Commissioners of Supply may adopt Parts or Sections of Act.

4. Any Special Meeting of the Commissioners of Supply to be called as aforesaid may be adjourned to any Time or Place to be fixed by the Commissioners of Supply present at such Special Meeting ; and Notice of such adjourned Meeting shall be given by special
20 Advertisement, and the Commissioners of Supply present thereat may resolve to adopt any of the Parts or Sections of this Act.

Special Meeting may be adjourned.

5. The Resolution to adopt any Part or Section of this Act shall not take effect unless the same be confirmed at the next Half-yearly Meeting of the Commissioners of Supply to be held not less
25 than *Three* Months after such Special or adjourned Meeting.

Confirmation of Resolution to adopt Act.

6. The Commissioners of Supply in their Resolution to adopt Parts Second, Third, Fifth, and Seventh of this Act, or any of them, shall determine the following Matters :

Certain Matters to be determined in Resolution to adopt Act.

30 1. Whether the Roads in the County shall be managed as a whole, without Division into Districts, or whether the County shall be divided into Districts ; and if a Division into Districts is determined on, the Commissioners of Supply may either adopt any existing Division into Districts under any
35 Local Road Act applicable to the County, or may make such new Division into Districts as they think fit, and may fix the Number and Limits of such new Districts :

2. Whether the Trustees to be elected for such County shall be elected for Parishes or for Districts ; and if it be determined
40 that such Trustees shall be elected for Districts, the Commissioners of Supply shall fix the Number of Trustees to be

PART I.

elected for each District, being not more than *Four* and not less than *Two*, as herein-after provided :

3. Whether the Amount of Debts on Turnpike and Statute Labour Roads, to be valued and ascertained as herein-after provided; shall be allocated on the whole County, or on the 5 Districts into which it may be divided :
4. The Commissioners of Supply shall fix and determine the maximum Rate of Assessment to be imposed and levied for the Maintenance and Repair of Roads and Highways :
5. The Commissioners of Supply shall determine in which of the 10 alternative Modes provided by this Act the Assessments for Maintenance and Repair of Highways shall be levied and paid :
6. The Commissioners of Supply shall determine, in the Case of a County divided into Districts, whether the Assessments for Maintenance and Repair of Roads and Highways shall 15 be levied at a uniform Rate over the whole County, and the Proceeds thereof allocated by the Trustees to and among the several Districts, in such Proportions as they think fit ; or whether separate Assessments for the Maintenance and Repair of the Roads and Highways in each District shall be 20 levied and expended in such District.

If Resolution to adopt Act negatived, further Proceedings not to be taken for Twelve Months.

7. If the Commissioners of Supply at such Special or adjourned Meeting shall resolve not to adopt any Part or Section of this Act, or if the Resolution of the Special Meeting to adopt any Part or Section shall not be confirmed at such Half-yearly Meeting 25 respectively, it shall not be competent to take Proceedings for the Adoption of any Part or Section of this Act, until the Expiration of *Twelve Months* from the Time when such Resolution has been negatived.

Time of Act coming into Operation to be specified in Resolution.

8. In the Resolution to adopt any Part or Section of this Act, a 30 Date shall be specified at which the Part or Section so adopted is to come into operation in the County, not being earlier than *Six Months* after the Confirmation of such Resolution, and such Date shall be held to be and is herein-after referred to as the Date of Adoption of this Act. 35

Commissioners of Supply to fix Times and Places for Elections and First Meeting of Trustees.

9. The Commissioners of Supply shall, in the Minute of the Half-yearly Meeting confirming the Resolution to adopt Parts Second, Third, Fifth, and Seventh of this Act, or any of them, fix the Days on which Meetings shall be held for the Election of Trustees in the several Parishes in the County when it is not divided into 40 Districts, or the Time and Place at which Meetings shall be held for the Election of District Trustees, when the County is divided into Districts, and the Time and Place at which the First Meeting of the Trustees under this Act shall be held.

10. Where

10. Where any Part or Section of this Act has been adopted in any County, the Commissioners of Supply may at any future Time adopt any other Parts or Sections thereof, by the Resolution of a Special or adjourned Meeting, to be passed and confirmed as
5 herein-before provided.

PART I
Adoption
of further
Parts or
Sections of
Act by Coun-
ties.

11. After the passing and Confirmation of any Resolution to adopt any Part or Section of this Act the Clerk to the Commissioners of Supply shall forthwith transmit a Copy of such Resolution, and of the Minutes of the Meeting at which the same was con-
10 firmed, certified and subscribed by him, to the Sheriff Clerk of the County, to be registered in the Sheriff Court Books ; and the Sheriff Clerk shall be bound to register the same accordingly, and Notice of such Resolution shall also be published by the Clerk to the said Commissioners, by special Advertisement.

Resolution
to be re-
gistered in
Sheriff
Court Books,
and pub-
lished.

15 SECTION 2.—*Adoption by Burghs.*

12. For the Purposes of this Act, the Boundaries of Burghs shall be held to be the Parliamentary Boundaries thereof as fixed and defined in the Public Act Second and Third William the Fourth, Chapter Sixty-five : Provided, that Agreements may be made by the County
20 Road Trustees and the Town Council of any Burgh, with respect to the Maintenance and Management of Roads within or beyond the Boundaries of the Burgh, as herein-after provided.

Boundaries
of Burghs.

13. The Town Council of any Burgh may, at any Meeting specially called for the Purpose, resolve to adopt any Part or
25 Section of this Act, and such Resolution shall be submitted for Confirmation at another Meeting of the Town Council, to be held not earlier than *One Month* after the Date of the Meeting at which such Resolution was adopted, and on the Confirmation of such Resolution the Part or Section of this Act specified therein shall
30 be held to be adopted in such Burgh, and shall take effect and be in force therein from and after the Date to be specified in such Resolution ; and such Date shall be held to be, and is herein-after referred to as the Date of Adoption of this Act.

Act may
be adopted
in Burghs.

14. A Copy of the Resolution of the Town Council to adopt
35 any Part or Section of this Act, and of the Minute of the Meeting confirming the same, certified under the Hands of the Provost or acting Chief Magistrate, and of the Town Clerk of the Burgh, shall, within *Fourteen* Days after the Date of such Minute, be trans-
mitted to the Sheriff Clerk of the County in which the Burgh is
40 situate, for the Purpose of being registered in the Sheriff Court Books of the County ; and the Sheriff Clerk shall register the same, as herein-before provided.

Resolution
to be re-
gistered in
Sheriff
Court
Books.

PART I.

Adoption of
further Parts
or Sections
of Act by
Burghs.

15. Where any Part or Section of this Act has been adopted in any Burgh, the Town Council may at any future Time adopt any other Parts or Sections thereof, by the Resolution of a Special Meeting to be passed and confirmed, as herein-before provided.

SECTION 3.—*Repeal of Local Acts.*

5

Repeal of
Local Acts.

16. From and after the Date of Adoption of Part Fourth of this Act in any County, the Local Acts relating to Turnpike Roads in such County shall be and are hereby repealed, subject to the Provisions of this Act; and from and after the Date of Adoption of Parts Second, Third, Fifth, and Seventh of this Act in any County, the Local Acts relating to Statute Labour Roads in such County shall be and are hereby repealed, subject to the Provisions of this Act.

Convey-
ances, &c.
to remain in
force.

17. All Purchases, Sales, Conveyances, Assignations, Leases, Mortgages, Deeds, Bonds, Contracts, Agreements, Securities, and other Acts and Things, made, done, entered into, executed or instituted under or by virtue or in consequence of or confirmed by any Local Act repealed by or in consequence of the Adoption of the said Parts or Sections of this Act, or with reference to any of the Purposes thereof, shall, notwithstanding the Repeal of the said Act, be as good, valid, and effectual, to all Intents and Purposes, as they would have been if the said Act had not been repealed, and may be proceeded on and enforced accordingly, the Trustees under this Act coming in the Room and Place of the Trustees under the repealed Act.

25

Actions not
to abate.

18. No Action, Suit, Prosecution, or other Proceeding, commenced either by or against the Trustees under any repealed Act, or their Clerk or other Officer on their Behalf, before the Date of Adoption of this Act, shall abate or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect in favour of or against the Trustees under this Act, in like Manner in all respects as the same would have continued and taken effect if the said Parts of this Act had not been adopted; and all Offences against the Provisions of any repealed Act committed before the Adoption of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if the said Parts of this Act had not been adopted.

Persons who
have acted
under re-
pealed Acts,
to account
for Monies

19. All Persons acting or who have acted under any repealed Act as the Trustees of any Turnpike Roads or Highways, or as Clerks or other Officers of any such Trustees, who shall at the Date of Adoption of this Act have in their Custody, Power, or Possession,

or

or under their Control, any Monies collected by virtue of the said repealed Act, or any Books, Deeds, Papers, Writings, or Effects belonging to any such Trustees, or relating to the Execution of the said repealed Act, shall pay and deliver the same to the Trustees under this Act, or to such Person as they shall appoint to receive the same; and every Person neglecting or refusing so to pay or deliver shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding *Twenty* Pounds, to be recovered by Action, at the Instance of the Clerk, in any Court of competent Jurisdiction.

PART I.
and deliver
up Books.

20. Every Person who at the Date of Adoption of this Act shall be liable for the Payment of any Assessments, Tolls or Duties, leviabie under any repealed Act, shall, notwithstanding the Repeal of the said Act, be liable for the Payment of such Assessments, Tolls and Duties, to the Trustees under this Act, in like Manner as every such Person would have been liable for the Payment thereof to the Trustees under the repealed Act if the said Parts of this Act had not been adopted; and such Assessments, Tolls or Duties, shall be paid, with all Interest due thereon, to the Trustees under this Act, and the Payment thereof may be enforced by them in the like Manner as such Payment might have been enforced by the Trustees under the repealed Act if the said Parts of this Act had not been adopted, or in the same Manner as the Payment of any Assessments or Tolls leviabie under this Act may be enforced; and the Trustees under the repealed Act shall pay over to the Trustees under this Act all Monies in their Hands received by them, either under the Powers of the repealed Act or applicable to the Purposes thereof, and the Payment thereof may be enforced by Action, at the Instance of the Clerk, in any Court of competent Jurisdiction.

Persons
owing Debts
under re-
pealed Acts,
to be liable
to Trustees.

PART II.

APPOINTMENT AND ELECTION AND POWERS AND DUTIES OF TRUSTEES AND DISTRICT TRUSTEES,

SECTION 1.—*Appointment and Election of Trustees.*

PART II.

21. From and after the Date of Adoption in any County of Parts Third, Fifth, or Seventh of this Act, the following Persons shall be the Trustees for executing this Act, and shall be called the "County Road Trustees;" viz.

Appoint-
of County
Road Trus-
tees.

1. All Persons being Commissioners of Supply of the County :
2. All Persons who, although not Commissioners of Supply, shall at the Date of Adoption of this Act be Trustees of any Turnpike Road or Highway within the County, under the Provisions of any Public or Local Act then in force :

[101.]

A 4

3. One

PART II.

3. *One* Guardian, Tutor, Curator, or Trustee of every Person having the Qualification of a Commissioner of Supply and being in Minority or under any legal Incapacity, and *One* Factor of every Commissioner of Supply appointed to act in the Absence of his Constituent : 5
4. The Provost or Chief Magistrate and *One* Member of the Town Council of each Burgh in the County which has more than *Two thousand* Inhabitants, and the Provost or Chief Magistrate alone of each Burgh in the County which has less than *Two thousand* Inhabitants, except as herein- 10 after provided :
5. In any County which is not divided into Districts, *One* Person, being the Tenant and Occupier of Lands and Heritages in the County of the yearly Rent or Value as entered in the Valuation Roll of not less than *One* 15 *hundred and fifty* Pounds, to be elected annually, as herein-after provided, by the Tenants and Occupiers of Land and Heritages in each Parish or united Parish, wholly or partially situate in the County (exclusive of Parishes wholly situate within any Burgh), who are entered 20 in the Valuation Roll at any Sum not less than *One hundred and fifty* Pounds of yearly Rent or Value:
6. In any County which is divided into Districts, *One* Person for each Parish, or such Number of Persons not exceeding *Four* and not less than *Two* for each District, as may be 25 fixed by the Commissioners of Supply in the Resolution to adopt the said Parts of this Act, such Persons respectively being Tenants and Occupiers of Lands and Heritages in such Parish or District of the yearly Rent or Value of *One hundred and fifty* Pounds, to be elected annually, as 30 herein-after provided, by the Tenants and Occupiers of Lands and Heritages in such Parish or District (exclusive of the Burghs situate therein), who are entered in the Valuation Roll at any Sum not less than *One hundred and fifty* Pounds of yearly Rent or Value. 35

Time when
Provisions
of Act to
come into
operation.

22. The Provisions of this Act with respect to the Election of Trustees shall be in force from and after the Date of the Confirmation of the Resolution to adopt the said Parts of this Act, and the Provisions of this Act, so far as adopted in any County, shall come into operation at the Date of Adoption of this Act. 40

First
Election of
Trustees in
Counties.

23. For the Purpose of carrying into effect the Election of Trustees under this Act in any County which is not divided into Districts, and in any County which is divided into Districts and in

in which the Commissioners of Supply have determined that a Trustee shall be elected for each Parish, the Clerk shall convene Meetings of the Persons in each Parish in the County who are qualified as herein-before provided to elect and to be elected

5 Trustees, to be held on the Day fixed in the Minute of the Meeting at which the Resolution to adopt this Act is confirmed, which Meetings shall be held in the Schoolroom of the principal Parochial School of any Parish, or at such other Place within each Parish as shall be specified in the Notice convening the

10 Meeting; and such Notice shall be published by special Advertisement, and affixed to the Door of each Parish Church in the Parish, not less than *Ten Days* previous to the Meeting, and at each of such Meetings the Persons present, being qualified as aforesaid, and *Three* being a Quorum, shall proceed to elect One Male

15 Person of full Age, having the Qualification aforesaid in respect of Lands and Heritages situate within the Parish represented by such Meeting, to be a Trustee under this Act; and the Persons present at each such Meeting shall appoint a Chairman, who shall, in case of an Equality of Votes, have a casting as well as a deliberative Vote, and who shall record the Result of the Election, and report the same to the Clerk, who shall thereafter report the same to the First General Meeting of the Trustees: Provided, that in the Case of an Equality of Votes with respect to the Appointment of a Chairman the Person proposed as Chairman who is entered in the

20 Valuation Roll at the highest Amount shall be appointed Chairman.

24. Where any County is divided into Districts, and the Commissioners of Supply have determined that Trustees shall be elected for each District, the Clerk shall convene Meetings of the Persons in each District who are qualified as herein-before provided to elect and be elected Trustees, to be held on the Day and at the Place to be fixed in the Minute of the Meeting at which the Resolution to adopt this Act is confirmed; and the Notice convening such Meeting shall be published by special Advertisement; and at each such Meeting the Persons present, being

30 qualified as aforesaid, and *Three* being a Quorum, shall proceed to elect the Number of Persons specified in the Resolution of the Commissioners of Supply, being Males of full Age having the Qualification aforesaid in respect of Lands and Heritages situate in the District, to be Trustees under this Act; and the Provisions

35 herein-before contained with respect to the Election of Trustees for Parishes shall be applicable to the Proceedings of such Meetings; and the Chairman of each Meeting shall record the Result of the Election, and report the same to the Clerk, who shall thereafter report the same to the First General Meeting of the Trustees.

First Election of Trustees in Districts.

PART II.

Subsequent
Elections.

25. The elected Trustees shall continue in Office until the Day appointed for the next Annual Election, which shall take place between the *Fifteenth* Day of *September* and the *Second Tuesday* of *October* in each Year after such First Election; and Meetings shall be held annually between the said Days in each Parish or District 5 for the Election of a Person to be a Trustee in place of the Trustee whose Term of Office shall have expired; which Meetings shall be called by the Clerk in manner before provided, and in all other respects the Procedure shall be as above prescribed for the First Election; and the Result of each Election shall be reported to the Clerk, and 10 by him to the next General Meeting of the Trustees: Provided that any Trustee whose Term of Office has expired may be re-elected.

Failure to
elect or of
Trustees to
act not to
affect Pro-
ceedings of
Trustees.

26. If the Persons qualified to elect Trustees in any Parish or District fail to make an Election, or if any Person elected to be a Trustee, or any other Trustee, refuse to act, or resign, die, or become 15 disqualified, the Acts and Proceedings of the remaining Trustees shall be as valid and effectual as they would have been if such Failure, Refusal, Resignation, Death, or Disqualification had not occurred.

County Road
Committee to
be appointed.

27. The Trustees shall at their First Meeting after the Adoption of this Act, or at any adjourned Meeting, nominate and appoint a 20 Committee of their Number, to be called the "County Road Committee;" and the said Committee shall have the general Administration and Superintendence of the whole Roads and Highways in the County, and shall consist of such Number of Trustees as shall be fixed by the Trustees, not being more than 25 *Sixteen* and not being less than *Eight*; and not more than *One Fourth* of the Members of the said Committee shall be Trustees elected for and representing Parishes or Districts; and the Trustees shall fix the Quorum of the said Committee, and shall appoint One of the Members thereof to be the Convener and Chairman, who 30 when present shall preside at the Meetings of the said Committee, and in his Absence from any Meeting any other Member of the said Committee may be elected to preside thereat; and in case of an Equality of Votes at any Meeting of the said Committee the Convener and Chairman, or the Person acting as Chairman, shall 35 have a casting as well as a deliberative Vote.

SECTION 2. *District Trustees.*Appoint-
ment of
District
Trustees.

28. Where any County is divided into Districts, the following Persons shall be the District Trustees; viz.,

1. Every Trustee under this Act who is the Proprietor of Lands and Heritages in the District, or is usually resident therein: 40
2. The Trustees for the District, or for the Parishes within the same, to be elected as herein-before provided.

29. If

29. If any District Trustee shall refuse to act, or resign, or die, or become disqualified, the Trustees may, if they think fit, at any General or Special Meeting, appoint a District Trustee to supply his Place; and the District Trustee so appointed shall remain in Office only so long as the Person in whose Room he was appointed might have held Office.

PART II.
Occasional Vacancies to be supplied.

30. The District Trustees shall, in so far as the Provisions of this Act have been adopted, have the immediate Management and Superintendence of the Roads within the District for which they are appointed, subject to an Appeal to the Trustees, as herein-after provided.

Powers of District Trustees.

31. The District Trustees of each District shall annually make a Report of their Proceedings to the Trustees, with detailed Accounts of their Receipts and Expenditure, at such Times and in such Manner as may be prescribed by the Trustees.

District Trustees to report to County Road Trustees.

SECTION 3. *Meetings of Trustees and District Trustees.*

32. The Trustees shall hold an Annual General Meeting on the Day and at the Place fixed in the Resolution to adopt any Part or Section of this Act, or on such other Day or at such other Place as may be resolved on at any Annual General Meeting of the Trustees.

Meetings of Trustees.

33. At the First General Meeting of the Trustees; and at each Annual General Meeting thereafter, the Trustees present shall choose Two of their Number to be Chairman and Deputy Chairman of the Trustees respectively; and such Chairman and Deputy Chairman shall hold Office until the Annual General Meeting succeeding their Appointment, or until their Successors are appointed, and may be re-elected on the Expiration of their First or other Period of Office; and the Chairman, when present, or in his Absence the Deputy Chairman, when present, shall preside at all General and Special Meetings of the Trustees; and in the Absence of both the Chairman and Deputy Chairman the Trustees present at any General or Special Meeting shall elect One of their Number to preside at such Meeting.

Chairman and Deputy-Chairman of Trustees.

34. The Place of Meeting of the District Trustees in each District shall be fixed in the first instance by the Trustees, and thereafter by the District Trustees themselves; and the District Trustees shall hold their First Meeting at the Time and Place to be fixed by the Trustees, and shall hold Meetings thereafter as often as shall be necessary for the Disposal of Business.

Meetings of District Trustees.

35. The District Trustees shall, at their First Meeting after their Appointment in each Year, elect One of their Number to be their

Chairman of District Trustees.

PART II.

Chairman for the Year succeeding his Election; and the Chairman shall, when present, preside at all Meetings of the District Trustees, and in his Absence the District Trustees present at any such Meeting shall elect One of their Number to preside; and in case of an Equality of Votes the District Trustee present whose Name stands first on the Sederunt Roll of the Meeting shall preside at such Meeting.

Trustees to
fix Quorum.

36. The Trustees shall at their First Meeting under this Act fix the Number of Trustees who shall form a Quorum at Meetings of the Trustees; and, where the County is divided into Districts, the Trustees shall fix the Number of District Trustees who shall form a Quorum at Meetings of the District Trustees; and the Trustees may alter such Quorum of Trustees and District Trustees respectively from Time to Time as they think fit.

SECTION 4.—*Appointment of Officers.*

15

Officers to be
appointed.

37. The Trustees may appoint a Clerk, who shall be called the "County Road Clerk," and a Surveyor, who shall be called the "County Road Surveyor," and such other Officers and Servants as they may think necessary for carrying this Act into execution; and such Officers and Servants shall perform the Duties from Time to Time prescribed by the Trustees, and shall be subject to Removal at any Time by the Trustees; and they and all other Officers of the Trustees shall find such Security as the Trustees shall require.

Salaries to
be fixed by
Trustees.

38. The Trustees shall fix the Salaries and Allowances to be paid to the Clerk and the Surveyor and the several other Officers and Servants appointed and employed by them; and such Salaries and Allowances, and all other necessary Expenses incurred in the Execution of this Act, shall be paid out of the several Funds and Revenues at the Disposal of the Trustees for that Purpose, in such Proportions as the Trustees shall from Time to Time fix and determine.

SECTION 5.—*Meetings and Proceedings of Trustees and District Trustees.*

Meetings
and Pro-
ceedings of
Trustees
and District
Trustees.

39. The following Provisions shall be applicable to the Meetings and Proceedings of the Trustees and the District Trustees respectively:

1. Special Meetings of the Trustees may be called by their Chairman, at any Time he may think fit, by special Advertisement, stating the Object of such Meeting; and on a Requisition, stating the Object of such Special Meeting, and signed by Five Trustees, being presented to the Chairman of the Trustees, he shall direct the Clerk to call a Special Meeting of the Trustees, stating

stating the Object of such Meeting, of which at least *Fourteen* Days Notice shall be given by special Advertisement :

2. Special Meetings of the District Trustees may be called at any Time by the District Clerk, by Order of the Chairman of the District Trustees ; and on a Requisition, stating the Object of such Meeting, and signed by any *Three* District Trustees, being presented to the District Clerk, he shall call a Special Meeting of the District Trustees ; and Notice of every such Special Meeting shall be given by Circular, stating the Object of such Meeting, addressed to each District Trustee at his usual Residence, and forwarded by Post at least *Eight* Days before such Meeting :
3. Any Meeting, General or Special, of the Trustees or of the District Trustees, may be adjourned to a Time and Place to be specified in the Minutes of such Meeting ; and in the event of a Quorum not being present at any General or Special Meeting the Clerk shall, in the Case of Meetings of the Trustees by special Advertisement, and the District Clerk shall, in the Case of District Trustees, by Circular addressed and forwarded by Post as herein-before provided, call another Meeting, to be held at the same Place on any Day within *Three* Weeks after the Day fixed for such Meeting :
4. Any Business appointed by this Act to be transacted, and any Assessment by this Act authorized to be imposed, at any General or Special Meeting of the Trustees or of the District Trustees, may be transacted or imposed at any such adjourned Meeting : Provided that no Business shall be brought before or transacted at such adjourned Meeting which was not brought or appointed to be brought before the original Meeting which was so adjourned :
5. The Chairman or Deputy Chairman, or other Person presiding at any Meeting of the Trustees or of the District Trustees, shall, in case of Equality of Votes, have a casting as well as a deliberative Vote.

40. The Trustees or District Trustees may sue and be sued in the Name of the Clerk or District Clerk respectively for the Time being, or in the Name of any Person authorized by the Trustees or District Trustees ; and no Action or Process at the Instance of or against the Trustees or District Trustees, in Name of their Clerk, shall fall or be suspended by his Death or Removal : Provided that all Expenses incurred by any such Clerk or other Person in connexion with any Action or Proceedings instituted or defended under the Orders or Instructions of the Trustees or District Trustees shall be paid out of the Funds at the Disposal of the Trustees or District Trustees, as the Case may be.

Trustees
may sue
and be sued.

PART II.

Contracts
to be entered
into by the
Clerk.

41. All Contracts, Agreements, Leases, and other Deeds or Writings into which the Trustees under this Act, or the District Trustees, if the County be divided into Districts, or their respective Committees, may enter, or which they may require to grant or execute, and which they shall have ordered to be entered into, 5 granted, or executed, may be granted or executed by the Clerk or District Clerk respectively in their Name and on their Behalf, and the same shall be and remain good, valid, and effectual, notwithstanding the Death, Resignation, or Removal of any such Clerk.

Authentica-
tion of
Documents
relating to
the Execu-
tion of this
Act.

42. For the Purposes of this Act, the Signature of the Chair- 10 man or Deputy Chairman of the Trustees, or of the Preses of any Meeting of the Trustees, or of the Chairman of any District Trustees, or of the Convener of any Committee to be appointed for carrying into effect the Purposes of this Act, adhibited to any Writing or Document, shall be equivalent to the Signatures of the 15 whole Trustees or District Trustees or Members of Committees present at a Meeting thereof respectively; and the Addition to such Signature of the Word "Chairman," "Preses," or "Convener" shall be good primâ facie Evidence that such Signature is the 20 Signature of such Chairman, Preses, or Convener, as the Case may be, and that such Writing or Document is genuine and authentic.

District
Trustees
may appoint
Clerks.

43. The District Trustees may from Time to Time appoint a District Clerk, and prescribe his Duties, and, subject to the Ap- 25 proval of the Trustees, the District Trustees may fix the Salaries to be paid to and the Security to be taken from such District Clerk for the Discharge of his Duties, where such Security is required to be taken; and every such District Clerk shall hold Office only during the Pleasure of the District Trustees, by whom he may at any Time be removed from Office.

Money bor-
rowed under
this Act to
be paid off
within
limited
Period.

44. In every Case where any Monies shall have been borrowed 30 under the Powers of this Act, it shall be lawful for the Commissioners of Supply or Town Council by whom such Monies shall have been borrowed to pay off the Monies so borrowed, and to raise and borrow the Monies necessary for that Purpose, and also to 35 repay the said last-mentioned Monies and the Interest thereof, but so nevertheless that all Monies borrowed under the Powers of this Act shall be repaid within *Thirty* Years from the Time when the same shall have been borrowed.

Court of
Session may
enforce
Compliance

45. In case the Convener or Commissioners of Supply of 40 any County, or Persons appointed or directed by them, or the Town Council of any Burgh, or Persons appointed or directed by

by them, shall refuse or neglect to do what is by this Act required of them respectively, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for any Creditor to apply by summary Petition to the Court of Session in
5 either of the Divisions thereof, or to the Lord Ordinary on the Bills during the Vacation; and the Court and Lord Ordinary respectively are and is hereby authorized and required to take such Proceedings, and make such Orders on and with respect to such Petition, as to them or him shall seem just and necessary for the
10 Execution of the Purposes of this Act.

PART II.
with Pro-
visions of
this Act.

46. The Trustees or District Trustees may from Time to Time appoint Committees of their Number respectively for any special Purpose relating to the Execution of this Act, with such Powers, and subject to such Orders and Directions, not inconsistent with the
15 Provisions of this Act, as the Trustees or District Trustees may respectively prescribe, and may fix the Quorum and appoint the Convener of such Committees.

Trustees
and District
Trustees
may appoint
Committees.

47. The Road Committee may from Time to Time appoint Sub-Committees of their Number, for any special Purpose relating to
20 the Execution of this Act, with such Powers, and subject to such Orders and Directions, not inconsistent with the Provisions of this Act, as the Road Committee may prescribe, and may fix the Quorum and appoint the Convener of such Sub-Committees.

Road Com-
mittee may
appoint Sub-
Committees.

PART III.

25 VALUATION AND PAYMENT OF DEBTS.

48. Within *Two* Months after the Date of Adoption of the Provisions of this Act with respect to the Abolition of Tolls, the Clerk shall make out a List of the whole Debts of each Turnpike Trust, and within *Two* Months after the Date of Adoption of the Pro-
30 visions of this Act with respect to the Abolition of Statute Labour Conversion Money, the Clerk shall make out a List of the whole Debts of each Statute Labour Trust, distinguishing in each Case as far as possible the Order of Preference of such Debts, and also showing what Proportions thereof consist of Principal and of Arrears
35 of Interest, if any, and the Names of the Creditors in such Debts, so far as known to him; and such Lists shall be deposited in the Office of the Clerk, for the Inspection of all Persons interested or claiming to be interested in such Debts.

PART III.
Clerks of
Turnpike
and High-
way Trusts
to make
out List of
Debts.

49. The Clerk shall, by special Advertisement, within *Eight*
40 Days after such Lists have been deposited, give Intimation that

Intimation
to Creditors.

[101.]

B 4

such

PART III.

such Lists have been deposited, and require all Persons claiming to be entitled to Payment of any Debt affecting the Turnpike Roads and Statute Labour Roads included in such Trusts respectively, or the Tolls and Revenues thereof, to lodge their Claims, and the Vouchers thereof, with him, on or before a Day to be specified in 5 such Notice, which Day shall be at an Interval of not less than *Six* Weeks nor more than *Two* Months from the First Publication of such Advertisement.

Revised
List of Debts
to be made
up.

50. Within *Twenty-one* Days after the Day specified in the said Notice, the Clerk shall, from the Statement made up by him as 10 aforesaid, and the Claims and Vouchers which may be lodged with him, make up a full and complete revised List of all the Debts affecting or alleged to affect the Turnpike Roads and Statute Labour Roads included in such Trusts respectively, and the Tolls or Revenues thereof, and the Interest due thereon, and the Names and 15 Designations of the Creditors entitled or claiming to be entitled thereto, with such Notes or Observations on such Claims and Vouchers as he may think necessary.

Revised
List to be
open to
Inspection.

51. The List of Debts so revised shall, immediately on the Expiry of the last-mentioned Period, be docketed and signed by the 20 Clerk, and deposited in his Office; and Intimation of the same shall be made by special Advertisement; and the said Lists shall, for *One* Month after the First Publication of such Notice, be open to Inspection, free of Charge, by all Persons interested or claiming to be interested therein. 25

Lists to be
transmitted
to Ac-
countant.

52. On the Expiration of *One* Month after the Publication of such Notice, the Clerk shall transmit the said Lists to the Accountant of the Court of Session for the Time being, (herein-after called the Accountant,) who is hereby authorized to inquire into the Affairs of such Trusts, and to ascertain and fix the Amount and Value of such 30 Debts as herein-after provided.

Notice to
be given
when Ac-
countant
holds
Sittings.

53. Before proceeding to inquire into the Affairs of any Trust, the Accountant shall give Notice of the Time and Place at which he is to hold any Sitting, other than adjourned Sittings, by special Advertisement, *Fourteen* Days at least before the Time appointed 35 for holding any such Sitting, and shall also give Notice of such Sitting by Post to the Clerk; and the Clerk shall immediately on Receipt of such Notice give Intimation of the intended Sitting of the Accountant to each Creditor or alleged Creditor named in the said Lists, by a Registered Letter transmitted by Post to the last 40 known Address in the United Kingdom of such Creditor, or to his known

known Agent in the United Kingdom ; and the Accountant shall have Power to adjourn the Sittings from Time to Time and from Place to Place as he finds necessary. PART III.
—

- 54.** The Accountant shall make full Inquiry into the Revenue, Duties of
Accountant.
 5 Debts, Condition, and Circumstances of the several Turnpike or Statute Labour Trusts in the County, as the Case may be, and shall examine and ascertain the Amount, Nature, and Value of all Debts due or claimed to be due by or from the Trusts respectively, and shall inquire how much thereof consists of unpaid
 10 Interest, and for what Period such Interest shall be in arrear, and all such other Particulars respecting the Trusts as he shall deem necessary, in order to the Execution of the several Powers and Duties hereby vested in and imposed on him, and he shall require all Persons being or claiming to be Creditors of the Trusts respectively
 15 to state the Grounds of their respective Claims, and to produce before him the Bonds, Assignations, or other Vouchers (if any) on which such Claims are founded, and may hear Parties thereon ; and if it shall appear to the Accountant by the Books kept by the Clerk or Treasurer to any Trust, or by any other Evidence satisfactory to the Accountant, that any Person is a bonâ fide Creditor of such Trust, though his Name does not appear in the said List, the Accountant shall include such Person in the List of Creditors for the Amount of his Debt ; and the Accountant is hereby empowered, by Summons or Writing under his Hand, to require the
 25 Attendance before him, at a Time and Place to be mentioned in such Summons or Writing, of any Trustee, Clerk, Treasurer, or other Officer of any Trust, or of any other Person whom he may think fit to examine upon any Question or Matter connected with or relating to the Execution of this Act, and may examine upon
 30 Oath any such Trustee, Clerk, Treasurer, or other Officer, and may require the Production of any Books, Accounts, Maps, Plans, Acts of Parliament, and other Documents in anywise relating to any such Question or Matter ; and the Accountant may allow to any Witness attending before him pursuant to any such Summons such
 35 Expenses as he may deem reasonable.

- 55.** All Trustees, Guardians, Tutors, and Curators acting for Persons in Minority or under any legal Incapacity may, with respect to the Valuation of Debts under this Act, represent the Persons for whom they act ; and in any Proceedings relating to the
 40 Valuation of Debts it shall not be competent to object to the same on the Ground of Want of previous Intimation to or Absence of any Creditor, or of any Trustee, Guardian, Tutor, or Curator of any Creditor ; but, in the Case of any Creditor absent or unrepresented, the Sheriff, on a summary Application by the Accountant, may
 [101.] C Trustees to
represent
those for
whom they
act.

appoint

PART III.

appoint a Person to attend to the Interest of such Creditor with reference to such Valuation, and shall have Power to award Expenses in favour of the Person so appointed, to be paid by such Creditor.

Persons
giving false
Evidence to
be guilty of
Perjury.

56. Every Person who, being examined under the Authority of 5
this Act by the Accountant, shall wilfully and corruptly give false
Evidence, shall be guilty of and shall incur the Pains of Perjury ;
and every Person who, being summoned as aforesaid, shall wilfully
refuse or neglect to attend or to give Evidence, or refuse to produce
any Books or Documents, shall for every such Offence be liable to 10
a Penalty not exceeding *Ten Pounds*, in the Discretion of the
Sheriff to whom the Accountant shall report the same ; which
Penalty may be recovered by the Clerk, or by any District Clerk
within the County, and the same shall be, by the Person receiving
it, accounted for and applied towards defraying the Expenses of 15
the Valuation in relation to which the Offence was committed.

Accountant
to keep
Record of
Proceedings.

57. The Accountant shall make or cause to be made a full and
particular Record in Writing of such of his Proceedings in the
Execution of this Act as he shall deem necessary.

Accountant
to value
the Debts of
Creditors.

58. So soon as the Accountant shall have ascertained all such 20
Particulars as he shall deem necessary relating to any Trust, he shall
proceed to decide on the Claims of the several Creditors or Persons
claiming to be Creditors of such Trust, and shall estimate and
determine the Value (if any) of the Principal or Capital and Interest
of the Debts due or claimed by such Creditors respectively ; and in 25
making such Valuation the Accountant shall take into account the
Rate of Interest hitherto paid on such Debts out of the Trust Funds,
and the Nature of the Security for such Debts prior to the passing
of this Act, irrespective of any personal or other collateral Obligation
undertaken by Trustees or others, and generally the Accountant 30
shall take into account every other Circumstance which may in
his Opinion affect, limit, or reduce the Value of such Security or
Debts, or which, from the future Prospects of the Trust, might be
reasonably expected to enhance the same if this Act had not been
passed. 35

Accountant
to allocate
Debts on
Districts.

59. Where any County is divided into Districts, and the Com-
missioners of Supply have determined that the Debts shall be
allocated on the Districts, the Accountant shall fix and determine
the Proportion in which the Debts affecting the Roads in the
County shall be allocated on each District. 40

Debts on
Roads in
Two or

60. Where any Trust includes a Turnpike Road or Roads, or
Portions thereof, locally situate in Two or more Counties in
Scotland,

Scotland, the Accountant shall fix and determine the Proportions in which the Debts affecting such Roads shall be made chargeable upon the Portions of such Roads situate within such Counties respectively; and where any such Turnpike Road is situate partly in England, he shall fix and determine the Proportion of the Debt affecting such Road chargeable upon the Portions of Road within the County or Counties in England in which the same is situate, and his Award and Apportionment shall be as binding as if such Counties were in Scotland.

PART III.
more Counties to be allocated.

61. Where any Trust includes a Turnpike Road or Roads, or Portions thereof, locally situate partly within the landward Part of any County and partly within the Boundaries of any Burgh, the Accountant shall fix and determine the Proportions in which the Debts affecting such Roads shall be made chargeable upon the Portions of such Roads situate within such Burgh and within the landward Part of such County respectively.

Debts to be allocated between Landward Parts of Counties and Burghs.

62. As soon as the Accountant shall have completed the Valuation of the Debts of each Trust, and shall in the Cases above-mentioned have fixed the Proportions according to which the same are to be allocated and charged upon the Districts or Portions of Road situate within the several Counties and Burghs respectively, he shall issue an Award in Writing under his Hand, and shall specify therein the Names of all such Persons as he shall have determined to be entitled to any Monies in respect of Principal or Interest, as Creditors of such Trust, together with the Sums to which such Persons shall be respectively entitled, according to the Value of their respective Debts, distinguishing in the Cases above-mentioned the Proportions thereof chargeable upon the Districts or Portions of Road within each County and Burgh respectively, and shall also specify therein the Names of the Creditors to whom no Sum shall have been found due, and the Debts to which no Value has been assigned, and the Accountant shall forthwith deliver his Award to the Clerk, who shall cause the same to be recorded in the Sheriff Court Books of the County or Counties in which the Roads included in the Trust are situate; and the Clerk shall, within *Three* Days from the Delivery of such Award, give Notice in Writing to the several Persons therein specified as Creditors of such Trust, or to the Representatives or Agents of such Persons, of the Sums thereby awarded to them respectively; and the Accountant shall farther specify in his Award, or in a separate Award to be issued by him, the Proportion of the Debt of each Trust which he determines to be chargeable as aforesaid on the Portions of Road within the several Burghs in each County and within the landward Part of such County respectively.

Accountant to issue an Award.

PART III.

Supple-
mental
Awards may
be issued.

63. If it shall appear to the Accountant, after any such Award shall have been made by him, that any Debts have been omitted, or if any Claims shall thereafter be made in respect of Debts not included in such Award, it shall be lawful for the Accountant to supply such Omission, and on sufficient Cause shown to entertain 5 such Claims, on such Terms and Conditions, with reference to the Circumstances of the Case, as he shall think just and reasonable, and to make and issue supplemental Awards in relation thereto, which supplemental Awards shall be held to be Part of his original Award; and the Creditors included in such supplemental Awards 10 shall for all the Purposes of this Act be considered as included in such original Award: Provided always, that all Parties omitting to claim within *Six Months* after the Date of such original Award shall be thereafter finally debarred and excluded from any further Claim or other Proceeding with respect to any such Debt; Provided 15 also, that no such Award or supplemental Award shall prejudice or affect any personal or other collateral Security which may be held for any Debts specified therein.

Debts as
valued to
remain
Charges.

64. The Debts of each Trust so valued shall remain Charges against the same Roads and the Revenues thereof as the Debts for 20 which they are commuted; and all Debts not included in the Award or in any supplemental Award of the Accountant, or to which no Value has been assigned by him, shall be held as discharged and extinguished, and no Claim shall thereafter be competent in respect thereof, on or against the said Roads or the Revenues thereof: 25 Provided that when the Proportion of Debt of any Trust allocated upon any District or Portion of Road within a County or Burgh shall be paid under this Act, the Security for the Remainder of the Debt of such Trust, valued and allocated as aforesaid, shall be restricted to the Districts or Portions of Road included in such 30 Trust and the Revenues thereof which have not so paid the Debt allocated upon them.

Accountant
to grant
Certificate
of Debt
to Creditors.

65. The Accountant shall subscribe and deliver to each Creditor named in his Award a Certificate or Certificates in the Form or as nearly as may be in the Form No. 1. of Schedule (A.) to this Act 35 annexed; and each Certificate shall be entered in a Register thereof to be kept by the Clerk, and shall be conclusive Evidence of the Right of such Creditor to the said Debt, and may be transferred by such Creditor, or any other Person having Right thereto for the Time being, by an Indorsation in the Form or as nearly as may be 40 in the Form No. 2. of the said Schedule (A.), which Transfer shall be entered in the said Register; and the Person in whose Favour such Indorsation is made shall acquire thereby the whole Rights in regard

regard to such Debt of the Creditor in whose Favour such Certificate was originally granted. PART III.

66. The Accountant shall make up an Account of the Expenses incurred and disbursed by him in regard to the Ascertainment and Valuation of the Debts of each County, including reasonable and proper Remuneration for his own Services; and after the Debts in any County are ascertained and valued, and the Award or Awards of the Accountant are delivered, as before provided, he shall fix and determine the Amount of the Expenses of the Valuation, and shall allocate a Proportion thereof upon the landward Part of such County, and the Burghs within the same respectively, and shall intimate such Allocation to the Clerk: Provided that if any Question or Difference shall arise with respect to the Amount of the Remuneration or Expenses charged by the Accountant for his Services, the Amount of such Remuneration and Expenses shall be ascertained and fixed by the Auditor of the Court of Session, on the Application of the Accountant, or of the Commissioners of Supply of any County, or the Town Council of any Burgh.

Accountant to keep Account of Expenses, and allocate the same.

67. On the Receipt of the Report and Allocation by the Accountant, the Clerk shall intimate to the Convener of the County and to the Chief Magistrate of each Burgh the respective Amounts of Debt and of Expenses allocated on the landward Part of the County and on each Burgh; and the Commissioners of Supply for the County shall, within *Twelve* Months from the Date of such Intimation, and they are hereby empowered, to impose and levy an Assessment on and from the Owners of the whole Lands and Heritages in such County, excluding the Burghs therein, and the Town Council of each Burgh shall, within the like Period, and they are hereby empowered, to impose and levy an Assessment on and from the Owners of the whole Lands and Heritages in such Burgh, at such Rates respectively as shall be sufficient to provide for the Payment of the Expenses so allocated on the landward Part of the County and the Burghs therein respectively, together with such farther Sum as may be necessary to cover the Expense of Assessment and Collection: Provided that such Assessments may, in the Option of the Commissioners of Supply in any County, be levied along with and as a Part of and in addition to the Assessment for Rogue Money in such County; and, in the Option of the Town Council of any Burgh, be imposed and levied along with and as Part of and in addition to any other Assessment which such Magistrates and Town Council are by Law authorized to impose and levy in such Burgh.

Clerk to intimate allocated Debt to Commissioners of Supply and Town Council, and Assessment for Expenses to be imposed.

PART III.

Commis-
sioners of
Supply may
resolve to
pay off Debt.

68. The Commissioners of Supply of any County may at any Special Meeting held for the Purpose, called by the Convener, on the Requisition of any *Six* Commissioners of Supply, after Notice by special Advertisement of the Object of such Meeting *Six* Weeks previous thereto, resolve, by a Majority of not less than *Two Thirds* 5 of the Commissioners of Supply who are present at such Meeting, that the Debts affecting either the Turnpike Roads or Statute Labour Roads in such County, or both Classes of Debts, valued and allocated as aforesaid, shall be paid in manner herein-after provided. 10

Town
Council
may resolve
to pay off
Debt.

69. The Town Council of any Burgh may, at any Special Meeting held for the Purpose, after Notice by special Advertisement *Three* Weeks previous thereto, resolve that the Debts affecting either the Turnpike Roads or Statute Labour Roads in such Burgh, or both Classes of Debts, valued and allocated as 15 aforesaid, shall be paid in manner herein-after provided.

Commis-
sioners of
Supply and
Town
Council
may impose
Assessments
to pay off
Debt and
Interest.

70. After such Resolution has been adopted by the Commis-
sioners of Supply of any County, it shall be lawful for them and
they are hereby required to impose and levy annually an Assess-
ment on and from the Owners of the whole Lands and Heritages in 20
such County, or in any District thereof, as the Case may be,
excluding the Burghs therein, and after such Resolution has
been adopted by the Town Council of any Burgh it shall be
lawful for them, and they are hereby required, to impose and
levy annually an Assessment on and from the Owners of the whole 25
Lands and Heritages in such Burgh, at such Rate or Rates, in the
Case of such County or District and Burgh respectively, as shall be
sufficient to provide a Sum equal to not less than *One Thirtieth*
Part of the Principal of the Debts valued and allocated on the
Roads or Portions of Road situate within the landward Part of such 30
County or District and the Burghs therein respectively, and it shall
be lawful for the said Commissioners of Supply and Town Council
respectively and they are hereby required, to impose and levy
annually an Assessment on the whole Lands and Heritages in such
County or District and Burgh respectively at such Rate or Rates 35
in the Case of such County or District and Burgh respectively as
shall be sufficient to provide the Sum required to pay the yearly
Interest on such respective Debts, or the Balance thereof from
Time to Time remaining due, at a Rate not exceeding *Five* Pounds
per Centum per Annum; and such last-mentioned Assessment shall 40
be levied and paid in equal Proportions, *One-Half* by the Proprietor
and the *other Half* by the Tenant or Occupier of the Lands and
Heritages on which such Assessments are imposed.

71. The

71. The Commissioners of Supply of any County or the Town Council of any Burgh may require from any Creditor at any Term of Whitsunday or Martinmas, on *Three* Months previous Notice, an Assignment or Discharge of his Debt valued and allocated as aforesaid, on Payment to such Creditor of the whole of such Debt or of such Balance thereof as may remain due.

PART III.

Creditors to grant Assignations or Discharges of Debts.

72. In case any Sum payable in respect of such Debt or Interest shall remain in the Hands of the Commissioners of Supply of any County or the Town Council of any Burgh unclaimed by the Persons entitled thereto, for the Period of *Three* Months after the Term of Whitsunday or Martinmas at which the same respectively becomes payable, the Commissioners of Supply and Town Council shall respectively be exonerated and discharged, in so far as respects such Sum, by Consignation thereof, in the Name of the Persons entitled thereto, in any Bank incorporated by Act of Parliament or Royal Charter.

Unclaimed Instalments to be consigned.

73. It shall be lawful for the Commissioners of Supply of any County or the Town Council of any Burgh respectively to borrow, on the Security of the Assessments for the Payment of Debts to be levied under this Act within such County or District or Burgh respectively, all or any Monies required in such County or District or Burgh for the Purpose of paying off the whole or any Part of the Debts to be valued and allocated as aforesaid; and such Monies may be borrowed at any Rate of Interest not exceeding *Five* Pounds per Centum per Annum; and every such Security may be by Assignment in the Form No. 1 of the Schedule (B.) to this Act annexed, or to the like Effect, and shall be duly executed, if signed, in the Case of Monies borrowed by the Commissioners of Supply, by the Convener of the County and the Clerk of Supply, and in case of Monies borrowed by the Town Council of any Burgh, by the Chief Magistrate and the Town Clerk, or Person acting as Town Clerk of such Burgh; and every such Assignment in Security shall be effectual for securing to the Person advancing the Sum of Money therein expressed to be advanced, and to his Heirs, Executors, and Assignees, the Repayment thereof, with Interest for the same, after such Rate and at such Time and in such Manner as shall be provided in such Assignment in Security; and the said Assignations in Security shall be numbered in the Order in which they are granted, and shall be entered by the said Clerk of Supply or Town Clerk respectively, as the Case may be, in a Book to be called the "Register of Road and Bridge Debt Securities," to be kept by them for that Purpose; and every such Assignment in Security, and the Monies secured thereby, shall be Personal

Commissioners of Supply and Town Council may borrow on Security of Assessments.

PART III.

Property, and may be validly transferred by an Indorsation on such Assignment in Security, by the Person entitled thereto for the Time being, of a Transfer in the Form No. 2. of the Schedule (B.) to this Act annexed; and the Persons in right of such Assignations in Security shall be Creditors upon the Assessments thereby expressed to be assigned in Security, *pari passu* without any Preference or Priority in respect of the Date of granting the same. 5

Commis-
sioners of
Supply and
Town
Council
may borrow
from Public
Loan Com-
missioners.

74. It shall be lawful for the Commissioners of Supply of any County, or for the Town Council of any Burgh, to make Application to the Commissioners acting in the Execution of the 10 Public Act, Fourteenth and Fifteenth Victoria, Chapter Twenty-three, and any Act or Acts amending or continuing the same, for a Loan or Advance on the Security of the said Assessments respectively of any Sum for the Purposes of this Act; and the said last-mentioned Commissioners are hereby empowered, if they think fit, 15 to make such Loan or Advance on the Security of the said Assessments, and to take any such Assignment in Security as aforesaid.

Loans to
be repaid
out of As-
sessments
imposed
under this
Act.

75. The Commissioners of Supply of any County, and the Town Council of any Burgh, by whom any such Assignment in Security as aforesaid shall have been granted, shall annually 20 make Payment to the Creditors therein, out of the Assessments levied by them for that Purpose, of Interest at a Rate not exceeding *Five Pounds per Centum per Annum* on the Sums contained in any such Assignment in Security, and also of such farther Sum to account of the Principal Sum contained in such Assignment in 25 Security as will extinguish the same within the Currency of the Assessments for Extinction of Debt to be levied under the Authority of this Act; and the said Commissioners of Supply and Town Council may, by Agreement with the Persons advancing any Money as aforesaid, determine the Order of Priority in which the 30 several Sums advanced shall be respectively discharged; and the said Commissioners of Supply and Town Council so borrowing any Monies are hereby required to keep an exact and regular Account of all Receipts and Payments in respect of Principal Monies borrowed as aforesaid, and the Interest thereof, in a Book 35 or Books separate and apart from all other Accounts.

Provision
for Protec-
tion of
Lenders on
Security of
Assessments.

76. No Person lending any Money as aforesaid, and taking an Assignment in Security for Repayment thereof, granted under the Authority of this Act, and executed as herein-before provided, shall be bound to require Proof that the several Provisions of this Act 40 have been duly complied with; and it shall not be competent to any

any Ratepayer or other Person to question the Validity of any such Assignment in Security on the Ground that such Provisions have not been complied with.

PART III.

PART IV.

5 CONSOLIDATION OF TURNPIKE TRUSTS AND LEVYING OF TOLLS.

PART IV.

77. The Commissioners of Supply of any County may at any Special Meeting to be called as herein-before provided, and with the Consent previously obtained of *Two Thirds* of the Trustees appointed and acting under each Local Turnpike Road Act relating
10 to the County, resolve that the whole Turnpike Road Trusts in the County shall be united and consolidated; and from and after the Date of Adoption of such Resolution the whole Turnpike Roads in the County shall be united into One Trust, subject to the Debts, Liabilities, and Obligations of the Trustees under each Local
15 Turnpike Road Act; and all the Trustees appointed and acting under each Local Turnpike Road Act relating to the County shall be entitled to act as Trustees of such united and consolidated Trust; and the said Turnpike Roads shall be managed and maintained by the said Trustees where the County is not divided
20 into Districts, or by District Trustees to be appointed by the said Trustees where the County is divided into Districts; and all Provisions in any Local Acts relating to the Turnpike Roads in the County shall, subject to the Provisions of this Act with respect to the Repeal of Acts, be repealed, so far as inconsistent with this
25 Enactment, and so far as may be necessary to give effect thereto.

Turnpike Road Trusts may be united into One Trust for the County.

78. The Surveyor shall make an annual Report on the Condition of the Turnpike Roads within the County, or within each District where the County is divided into Districts, and a Specification of Works contemplated in connexion therewith, and an Estimate of the
30 Sums required for the Purposes thereof, within the County or within each District, for the Year to which such Report applies; and it shall be lawful for the Trustees to continue or re-adjust the Position of the existing Toll Bars over the different Turnpike Roads in the County, or to alter their Number; and, subject to the Provisions of
35 the General Turnpike Act, First and Second William the Fourth, Chapter Forty-three, it shall be lawful for the Trustees to demand and take, at every Toll Bar within the County, any Tolls not exceeding the Tolls specified in the Schedule (C.) to this Act annexed, and to vary the said Tolls from Time to Time as they
40 think fit: Provided that such Tolls shall at all Times be levied at a uniform Rate at every Toll Bar within the County.

Provision for uniform Tolls.

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79. It

PART IV.

Toll to be
paid once
only within
a Distance
of Six Miles.

79. It shall not be lawful to demand or take Payment of Toll, under the Authority of this Act, from the same Person, twice within a Distance of *Six Miles*, measuring along the Road, within the same County; and the Trustees shall cause to be put up at each Toll Bar a printed or painted Schedule or Table containing the Name of the Toll Bar, with a List of the Tolls payable thereat, and also the Name of every other Toll Bar which shall be cleared by Payment of Toll at such Toll Bar; and in the event of any Toll Bar being situate within a less Distance than *Six Miles* of any other Toll Bar within the same County, the Trustees shall provide for every such Toll Bar Tickets denoting the Payment of Toll, and mentioning the whole Toll Bars within such Distance; and One of such Tickets shall be delivered to the Person paying the Toll, and which shall also have printed or written thereon the Day of the Month on which the same is delivered; and on the Production of such Ticket at any Toll Bar cleared by the Payment of the Toll at the Toll Bar where such Ticket was delivered on the same Day, the Persons producing the same shall pass through such other Toll Bar without paying any additional Toll.

Application
of Revenues
from Tolls.

80. The net Revenues arising from the Tolls levied at the whole Toll Bars within the County, after Deduction of the Expenses of letting and collecting the Tolls, and any other Expenses incidental thereto, shall form One common Fund for the Maintenance and Repair of all the Turnpike Roads within the County, subject to such Provision in regard to the Payment of the Interest of Debt as the Trustees may direct; and where the County is divided into Districts such net Revenues shall be allocated by the Trustees among the various District Trustees, for the Maintenance and Repairs of the Turnpike Roads within their respective Districts.

PART V.

PART V.

30

MAINTENANCE OF ROADS BY ASSESSMENTS.

As to
Adoption of
Provisions
for Aboli-
tion of
Statute
Labour and
Tolls.

81. It shall not be lawful for the Commissioners of Supply of any County or the Town Council of any Burgh to adopt the Provisions of this Act with respect to the Abolition of Statute Labour and levying of Assessments on Lands and Heritages, or with respect to the Abolition of Tolls and levying of Assessments on Lands and Heritages, unless and until the Debts affecting the Statute Labour Roads in the Case of Abolition of Statute Labour, and the Debts affecting the Turnpike Roads in the Case of Abolition of Tolls, have been valued and ascertained, and Provision has been made for Payment of such Debts, as herein-before specified.

SECTION

SECTION 1.—*Abolition of Statute Labour and levying of Assessments on Lands and Heritages.* PART V.

82. From and after the *Fifteenth Day of May* next following the Date of Adoption in any County or Burgh of the Provisions of this Act with respect to the Maintenance of Highways by Assessments on Lands and Heritages, all Statute Labour Service, and Payments of Money by way of Conversion thereof, and all Assessments theretofore leviable for the Maintenance of Bridges within such County, shall cease and determine, and such Statute Labour Service, Payments and Assessments, shall be and are hereby abolished, except in so far as such Statute Labour Service, Payments or Assessments, may at that Date have been imposed or may have become due.

Statute Service and Conversion and Bridge Money to be abolished.

83. The Surveyor shall, within *Six Months* after his Appointment under this Act, make up and deliver to the Clerk of the Trustees, or, where the County is divided into Districts, to the Clerks of the District Trustees respectively, a Report of the Condition of the Highways within each County or District, a Specification of Works contemplated in connexion therewith, and an Estimate of the Sums required for the Purposes of the Highways within each District for the Year from the *Fifteenth Day of May* immediately following the Date of Adoption of this Act to the *Fifteenth Day of May* in the Year succeeding; and the Surveyor shall in like Manner make up and deliver to the Clerk of the Trustees and the Clerk of the District Trustees respectively a similar Report and Specification and Estimate for each succeeding Year; and where the County is divided into Districts the District Trustees shall, within *Fourteen Days* after the Receipt thereof, consider such Report and Estimates, and shall report the same, along with the Amount required to be expended on such Highways, to the Trustees, not later than *One Month* prior to the Annual Meeting of the Trustees.

Surveyor to report on Condition of Roads and Highways, and estimate Sums required for the Purposes of Highways.

84. The Trustees shall hold an Annual Meeting, on such Day as they may fix, for the Purpose of considering the Reports, Specifications, and Estimates of the Surveyor, and the Reports of the District Trustees, and shall consider and review the same; but it shall not be competent to alter or reverse any Report or Resolution of any District Trustees, except by the Votes of *Two Thirds* of the Trustees present at such Meeting.

Trustees to meet and consider Reports of District Trustees.

85. Where a County is not divided into Districts, or where the Commissioners of Supply have determined, in the Case of a County which is divided into Districts, that Assessments shall be levied at a uniform Rate on the whole County, it shall be lawful for the

Assessment for Maintenance of Highways.

PART V. Trustees to impose and levy an Assessment on the whole Lands and Heritages in the County (exclusive of any Burgh in which this Act has been adopted), at such Rate as shall produce the required Amount for the County, including Expenses of Assessment and Collection, and Arrears of preceding Years; and when a County is 5 divided into Districts, and the Commissioners of Supply have determined that separate Assessments shall be levied in each District, it shall be lawful for the Trustees to impose and levy an Assessment on the whole Lands and Heritages in each District, at such Rate as shall produce the Amount required in such Dis- 10 trict, including Expenses of Assessment and Collection, and Arrears of preceding Years.

Expense of
maintaining
Bridges
partly
situate
in Two
Districts.

86. If the County be divided into Districts, and any Bridge is situated partly in one District and partly in another, the Expense of maintaining or rebuilding such Bridge shall be borne in equal 15 Moieties by the Districts in which such Bridge is situate, and the Assessments for Payment of such Expense shall be imposed and levied accordingly.

Expenditure
of Assess-
ments.

87. If the County is not divided into Districts, the Assessments shall be applied and expended by and under the Direction of the 20 Road Committee; and if the County be divided into Districts the Assessments levied in each District, or the Proportion of the general Assessments allocated to each District, as the Case may be, shall be applied and expended by the District Trustees for such District; and the Road Committee and the District Trustees respec- 25 tively shall report a Statement of their Accounts for the preceding financial Year to the Annual General Meeting of the Trustees.

SECTION 2.—*Abolition of Tolls and levying of Assessments.*

Commis-
sioners of
Supply may
resolve to
abolish
Tolls in the
County.

88. It shall be lawful for the Commissioners of Supply of any County at a Special Meeting to be called as herein provided, and 30 of which Meeting and the Object thereof Notice shall be given by special Advertisement, to resolve, by the Votes of at least *Two Thirds* of the Commissioners of Supply who are present at such Special Meeting, that the Toll Bars on all or any of the Turnpike Roads within the County shall, from and after the Date to be 35 specified in such Resolution, be removed, and that the Roads from which the Toll Bars are removed shall be Highways free of Toll, and that the Funds for the Maintenance and Repair of the said Roads shall thenceforth be raised by Assessment on the Lands and Heritages in the County or in the District in which such Roads 40 are situate, or on Lands and Heritages in the County or in such District, and on Horses, as herein-after provided; and the Commissioners of Supply shall in such Resolution fix and determine the Limits of each such District for the Purposes aforesaid.

89. From

89. From and after the Date to be specified in such Resolution, it shall be lawful for the Trustees to impose and levy Assessments for the Maintenance and Repair of the Roads from which the Toll Bars are removed, and which are declared to be Highways, on the
 5 Lands and Heritages in the County or in the District in which such Roads are situate, or on the Lands and Heritages in the County or in such District, and on Horses, as they may determine, in the same Manner in all respects as is herein-before provided with respect to Assessments for the Maintenance and Repair of the
 10 other Highways in the County.

PART V.
 Assessments to be levied for Maintenance and Repair of Roads.

90. It shall be lawful for the Trustees, if and when they see fit, to sell or otherwise dispose of and to convey all or any of the Toll Houses and Sites thereof, and Lands, Gardens, Gates, Weighing Machines, and other Property appertaining thereto, by this Act
 15 vested in the Trustees, in such Manner as they may think fit, and for the best Price that can be obtained; and the Proceeds of such Sales, and the Rents and Proceeds of such Property while the same remain unsold, shall be applied towards Payment of the Turnpike Road Debts, or, if such Debt, be paid off at the Time,
 20 towards the other Purposes of this Act: Provided that before any such Toll House, or the Lands and Premises attached thereto, are sold, they shall respectively be offered in the first instance to the Proprietor of the adjoining Lands, and if such Proprietor choose to purchase the same the Price (unless the Trustees and such
 25 Proprietor shall agree upon the same) shall be fixed by the Valuation of an Arbitrer or Arbiters, to be mutually chosen by such Proprietor and the Trustees, and, in the Case of such Arbiters differing in opinion, of an Oversman, to be appointed by them; and the Expense of such Reference and Award shall be borne by
 30 the Parties equally, unless the Arbiters, or, in case of Difference between them, the Oversman, shall otherwise determine.

Provision for Sale of Toll Houses.

SECTION 3.—*Assessments in Counties.*

91. The Commissioners of Supply of any County shall in any Resolution to adopt the Provisions of this Act with respect to the
 35 Maintenance of Highways by Assessment, or with respect to the Abolition of Tolls and Maintenance of Turnpike Roads by Assessment, fix and determine the maximum Rate at which such Assessments shall be imposed on Lands and Heritages in the County or any District thereof, and it shall not be lawful for the
 40 Trustees to impose and levy any Assessments for either of the said Purposes at a Rate higher than the maximum Rate fixed in such Resolution; and the Commissioners of Supply may from Time to Time resolve to vary and alter such maximum Rates at any Meeting or Meetings specially called for that Purpose; and Notice of such

Commissioners of Supply to fix maximum Rate of Assessments.

PART V. Meetings, and the Intention to propose such Alteration of the maximum Rates shall be given by special Advertisement.

Extra Rates
on Mines,
Quarries,
and Public
Works in
certain
Cases.

92. Where the Lands and Heritages assessed under the Provisions of this Act for the Maintenance and Repair of Highways within any County, or District thereof, include any Mines, Quarries, 5 Works, or Premises in which any Trade or Manufacture is carried on, the Trustees or District Trustees may present a summary Application to the Sheriff, accompanied by a Certificate by the County Road Surveyor, to the Effect after mentioned, such Certificate and Application setting forth that the Injury to the 10 Highways, or to any Portion thereof, within such County or District, by the Traffic arising from any such Mine, Quarry, Work, or Premises, exceeds double, Three Times, or Four Times (as the Case may be) the Amount of Assessment imposed at the ordinary Rates for Maintenance and Repair of Highways in such County 15 or District, and praying for the Remedy after provided; and the Sheriff shall direct Intimation of such Application to be given to the Person or Persons liable to be assessed in respect of such Lands and Heritages, and upon hearing Parties (if they desire to be heard), and after such Inquiry as in the Circumstances he may 20 consider necessary, he shall decide on such Petition, and shall find whether the alleged Damage exceeds *double*, *Three Times*, or *Four Times* (as the Case may be) the Amount of ordinary Rating as aforesaid; and such Deliverance shall be final, and not subject to Review; and the Sheriff may award Expenses to either Party in 25 such Application, and find either Party liable therein, and decern accordingly: Provided that it shall not be competent to assess for any Damage exceeding in Amount *Four Times* the ordinary Rating as aforesaid.

Power to
reduce such
extra Rates.

93. Any such Mine, Quarry, Work, or Premises so assessed at 30 such additional Rate, shall remain subject to the same in each succeeding Year, until relieved thereof as herein-after provided; and the Sheriff, on a summary Application for Relief by the Owner or Tenant or Occupier of the same, shall appoint Intimation to the County Road Surveyor, and shall, if he see Cause, hear Parties, 35 and take all other Proceedings competent in the Case of any Application by the Trustees or District Trustees, to have such additional Rate imposed; and his Deliverance thereon shall be final, and not subject to Review, and an Extract thereof furnished to the County Collector shall be a sufficient Warrant to him to deduct and 40 discontinue the Levy of such additional Rates to the Extent and in the Terms of the Deliverance of the Sheriff.

Detached
Parts of
Counties to

94. All detached Parts of Counties shall, for the Purposes of this Act, be considered as forming Part of that County by which they are

are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary; and it shall be lawful for the Sheriff of the County by which any detached Part of another County is so
 5 surrounded to act as Sheriff in all things whatsoever relating to the Provisions of this Act concerning such detached Part, and all the Provisions of this Act in regard to the Qualification and Appointment of Trustees, and to their Rights, Powers, Privileges, Liabilities, and Immunities, shall apply to such detached Part of a County
 10 as if it were an integral Part of the County by which it is surrounded or partly surrounded as aforesaid, and the Trustees, District Trustees, and whole Officers and Servants thereof shall have the same Powers in the Execution of their Duties over such detached Parts of a County as they have over the County by which it is sur-
 15 rounded or partly surrounded.

PART V.

—
 form Part of
 the County
 by which
 they are
 surrounded.

95. In imposing and levying any Assessment for the Purposes of this Act, the Trustees shall include all such detached Parts of other Counties in the Assessment for the County by which they are so surrounded, and they shall exclude from any such Assessment all
 20 such detached Parts of their own County.

Assessment
 of detached
 Parts of
 Counties.

96. All Assessments imposed under the Authority of this Act for the Maintenance and Repair of Highways in any County or District shall be levied and paid in either of the following Modes, as may be determined by the Commissioners of Supply in their Reso-
 25 lution to adopt this Part and Section of this Act; that is to say,—
 First, An Assessment of *Twopence* in the Pound on the yearly Rent or Value of the Lands and Heritages in the County or in the District, as the Case may be, to be levied on and paid by the Tenants or Occupiers of such Lands and Heritages in lieu of Statute Labour
 30 Conversion Money, and an Assessment for such further Sum as may be required for the Maintenance and Repair of the Highways, to be levied and paid in equal Proportions, *One Half* on and by the Proprietor and the *other Half* on and by the Tenant or Occupier of such Lands and Heritages; or, Second, An Assessment,
 35 to be levied and paid in equal Proportions, *One Half* on and by the Proprietor and the *other Half* on and by the Tenant or Occupier of the Lands and Heritages in the County or in the District, as the Case may be.

Assessments
 for Main-
 tenance and
 Repair of
 Highways.

97. Where the Name of the Tenant or Occupier is not set forth
 40 in the Valuation Roll applicable to any Lands and Heritages on which any Assessment is imposed under the Authority of this Act, or where the annual Value of such Lands and Heritages is in the Valuation Roll stated to be less than *Four Pounds*, the whole of

Assessments
 in certain
 Cases to be
 paid by Pro-
 prietors.

PART V. the Assessment imposed on such Lands and Heritages shall be levied on and paid by the Proprietor: Provided that this Enactment shall not prejudice or affect any Obligations under Leases existing at the Date of Adoption of this Act.

Tenants to pay Assessments, and deduct Proprietor's Proportion from their Rents.

98. All Assessments imposed under the Authority of this Act may, with the Exceptions specified in the immediately preceding Section, be levied on and recovered from the Tenant or Occupier of the Lands and Heritages assessed, but such Tenant or Occupier shall be entitled to deduct the Sum paid by him beyond the Proportion for which he is liable from the first Rent payable to the Proprietor of the Lands and Heritages assessed.

Trustees may grant Relief from Assessments on the Ground of Poverty.

99. The Trustees may, on the Ground of the Poverty or Inability to pay of any Person liable in any Assessment under this Act, remit Payment of such Assessment by such Person, in whole or in part, as the Trustees shall in their Discretion think just and reasonable; but no such Remission shall be made on any other Ground whatsoever.

Mode of making Assessments.

100. All Assessments imposed under the Authority of this Act shall be deemed and taken to be for the Year from the *Fifteenth* Day of *May* preceding the Date of imposing the same, and shall be imposed according to the Valuation of the Lands and Heritages in the Valuation Roll in force for the Year in which such Assessment is made, and shall be made payable on or before the *First* Day of *January* then next ensuing, and the Trustees shall fix a Day, not being less than *Fourteen* Days preceding the Day on which such Assessment is payable, on or before which such Appeals by any Parties complaining that they have been improperly assessed may be lodged with the Clerk, and another Day on which such Appeals may be heard; and all such Appeals shall be heard and determined by the Trustees at Meetings to be held by them for that Purpose, and their Determination thereon shall be final.

SECTION 4.—*Assessments in Burghs.*

Assessments for Roads and Highways in Burghs.

101. All Assessments imposed under the Authority of this Act by the Town Council of any Burgh to whom any Roads or Highways are transferred under the Provisions of this Act, for the Maintenance and Repair of such Roads and Highways, shall be levied and paid in equal Proportions, *One Half* by the Proprietor and *One Half* by the Tenant or Occupier of the Lands and Heritages within the Burgh as entered in the Valuation Roll, and such Assessments may be imposed, levied, and recovered separately under the Provisions of this Act, or along with and in addition to and as Part of any any other Assessment which the Town Council are

are by Law authorized to impose and levy for the Maintenance and Repair of Streets, Roads, or Highways within the Burgh.

PART V.
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102. When in any Burgh there shall be Funds available, and which may be lawfully applied by the Town Council for the Maintenance of Streets, Roads, or Highways therein under their Management and Control, the Town Council may apply such Funds for such Purposes in aid of the Assessment authorized to be imposed by this Act, or, if such Funds shall be sufficient for such Purposes, the whole or such Part thereof as may be necessary may be so applied, instead of levying an Assessment under the Provisions of this Act.

Burghs
may apply
Funds
towards
Maintenance
of Roads.

SECTION 5.—*Recovery of Assessments.*

103. The Clerk to the Trustees and the Town Clerk of any Burgh respectively shall make up Assessment Rolls according to the Valuation Roll, in which shall be set forth the Names of the Persons in the County and Burgh respectively liable for the Assessment imposed, and the Sums payable by them respectively, and the gross Amount of such Assessment; and such Assessment Roll for the County shall be signed by the Clerk and by Two Trustees; and such Assessment for the Burgh shall be signed by the Provost or Chief Magistrate and Town Clerk; and such Assessment Rolls shall thereafter remain in the Office of the Collector, open to the Inspection of all Persons interested, at all reasonable Times, without Fee or Reward; and any Omissions in such Assessment Roll may be supplied by means of a supplemental Roll.

Assessment
Rolls to be
made up.

104. In making up such Assessment Rolls, the Assessment for Payment of Road Debts and Interest, the Assessment for Maintenance, Repair, and Management of Highways, the Assessment for Improvement of existing Highways, Roads, or Bridges, or for making new Roads or Bridges, and any other Assessment by this Act specially authorized, shall be separately distinguished.

Mode of
making up
Assessment
Rolls.

105. To enable the Trustees and the County Road Clerk to make up the Assessment Rolls for the Purposes of this Act, the Clerk of Supply for the County, and the Town Clerk of every Burgh therein, shall, on Payment of such reasonable Fees as may, in case of Difference, be fixed by the Sheriff, and within Three Weeks after being so required in Writing by the County Road Clerk, deliver to him a Copy, certified under the Hand of such Clerk of Supply or Town Clerk, of the Valuation Roll in force for the Time within the County or such Burgh respectively; and such Copy may be either written or printed, or partly written and partly printed.

Certified
Copies of
Valuation
Roll to be
delivered to
the Clerk.

PART V.

Notice of
Assessment
to be given.

106. Public Notice shall be given by an Advertisement signed by the Clerk, and published in a local Newspaper, of the Rates of Assessment to be levied under the Authority of this Act on Proprietors and on Occupiers respectively, distinguishing the Rates assessed for the several Purposes aforesaid; and such Notice shall 5 state the Time or Times and Place or Places of Payment of the Assessments, and require Payment to be made to the Collector accordingly.

Exemption
of public
Buildings
from Assess-
ment.

107. No Assessment shall be imposed or levied under the Authority of this Act for or in respect of any House or Building, or Portion of a House or Building, exclusively used for Religious Wor- 10 ship or Charitable Purposes, or as a Schoolhouse, Reformatory, House of Refuge, Poor's House, Public Lunatic Asylum, Town House, Sheriff, Burgh, or Justice of the Peace Court House, Town or County Prison, Police Station or Lock-up House.

Notice of
Assessment
to be given
to Defaulters
before taking
Proceedings for Re-
covery.

108. If any Person shall fail to pay any Assessment due by him 15 at the Time when the same is payable under the Provisions of this Act, the Collector, before taking any legal Proceedings for Recovery thereof, shall deliver, or forward through the Post Office, a Notice in Writing addressed to such Person, requiring him to make Payment of such Assessment within *Seven Days* after the Delivery 20 of such Notice, or the Despatch of the same through the Post Office.

Recovery
of Assess-
ment under
summary
Warrant by
Poinding
and Sale.

109. It shall be lawful for the Collector, in his own Name, but on behalf and at the Expense of the Trustees, to recover any Assessment or Arrears of Assessment due by any Person or Persons, either according to the ordinary Procedure before any competent 25 Court, or by obtaining from the Sheriff a summary Warrant to recover the same, with the Addition of *Ten per Centum* thereon in lieu of any Costs which have been or may require to be incurred, from the Person or Persons respectively liable in Payment of such Assessment, which Warrant the Sheriff shall grant, on Production 30 of an Extract from the Assessment Roll, made up in pursuance of the Provisions of this Act, of the Entries therein relating to such Person or Persons, showing the Amount or respective Amounts due by him or them, and a Certificate by the Collector that he had given to such Person or to each of such Persons a Notice requiring 35 him to make Payment of the Amount due by him within *Seven Days* after the Delivery or Despatch of such Notice, as hereinbefore provided, that the said Period had expired, and that the said Amount had not been paid, and was still due; and such Warrant shall authorize the Collector to cause any Officer of the 40 Court to enter into the Premises of the Person or Persons named in such Extract, and to poind, seize, and remove or secure any Goods and Effects therein belonging to or in the lawful Possession

[] of

PART V.

of such Person or Persons, or so much thereof as will satisfy and pay the Amount or respective Amounts due by him or them respectively, with the Addition of *Ten* per Centum thereon in lieu of Costs, and shall also authorize the Collector, after the Lapse
5 of *Four* Days, in the event of Nonpayment of the said Amount or respective Amounts and Costs, to cause any Officer of Court or licensed Auctioneer to sell and dispose of the said Goods and Effects, and shall further authorize the Collector, on receiving Payment of the Price of the said Goods and Effects, to apply the
10 same in Payment of the Amount or respective Amounts due by such Person or Persons, and Addition of *Ten* per Centum thereon respectively.

110. The Persons charged with the levying and collecting of any Assessments under the Authority of this Act shall remit the same
15 to the County Road Clerk, free of all Expense, and at the Risk of the Remitters; and Interest at the Rate of *Five* Pounds per Centum per Annum shall be due and payable on any Portion of an Assessment which shall not be so remitted within *Six* Months after the Receipt thereof by the Person collecting such Assessment.

111. All Monies received by the Trustees or District Trustees, under the Authority of this Act, shall, on Receipt thereof, be paid by the Person receiving the same on behalf of the Trustees or District Trustees into a Bank incorporated by Act of Parliament or Royal Charter, or Branch thereof, to be for that Purpose appointed
25 by the Trustees or District Trustees.

112. All Cheques or Drafts on the Bank Account kept by the Trustees or District Trustees shall be signed by the Clerk or District Clerk, and countersigned by One of the Trustees or District Trustees, as the Case may be, appointed for the Purpose; and the
30 Clerk or District Clerk shall make no Drafts on such Accounts for any other Purpose than the Payments which shall from Time to Time be authorized by the Trustees or District Trustees.

113. The Accounts of the Trustees and District Trustees shall be audited annually by an Auditor appointed by the Trustees for that
35 Purpose, and an Abstract of such Accounts shall be published by the Trustees annually, at least *Ten* Days before each Annual General Meeting.

PART VI.

ASSESSMENTS ON HORSES.

114. When the Commissioners of Supply of any County or the
40 Town Council of any Burgh have resolved to adopt this Part of this
[101.] Act, Assessment may be levied on Horses.

PART VI

Act, and when, under the Provisions of this Act or of any Local Act relating to such County or Burgh, Tolls have been abolished in such County or Burgh, and Provision has been made for the Maintenance and Repair of the Roads therein by Assessments on Lands and Heritages, it shall be lawful for the Trustees appointed and acting 5 under this Act or under any Local Act relating to such County, and for the Town Council of such Burgh respectively, to levy an Assessment on all Horses and Mules kept and used within the County or Burgh respectively, and assessed under any Revenue Act during the Year for which such Assessment is leviable, not exceed- 10 ing the Rates specified in the Schedule (D.) to this Act annexed.

Commissioners of Inland Revenue to furnish Lists of assessed Horses.

115. Her Majesty's Commissioners of Inland Revenue, when required by the Clerk to the Trustees under this Act or under any such Local Act, or the Town Clerk of any Burgh, shall furnish to him, on or before the *First Day of December* in each Year, a certified List 15 showing the Number of Horses and Mules assessed under any Revenue Act within such County or Burgh, and the Parties liable for the same; and such List, certified by the Surveyor or Collector or other principal Officer or Officers of Inland Revenue within the County or Burgh, shall be sufficient Evidence of the Liability of the Persons 20 mentioned therein; and such Surveyor, Collector, or other Officer shall be entitled to receive a Fee not exceeding *Twenty Shillings* for each such List furnished by him.

Recovery and Application of Assessments on Horses.

116. The Assessments on Horses and Mules shall be deemed and taken to be for the Year from the *Fifteenth Day of May* pre- 25 ceeding the Date of imposing the same, and may be levied and recovered on and from the Persons keeping and using the Horses and Mules, by the County Road Trustees or the Town Council of any Burgh in the same Manner as is herein provided with respect to the Recovery of Assessments on Lands and Heritages by this Act 30 authorized to be levied, and by the Trustees appointed and acting under such Local Act in the same Manner as is therein provided with respect to the Recovery of the Assessments thereby authorized to be levied; and the Money received on account of the Assess- 35 ments on Horses and Mules shall be applied towards defraying the Expense of the Maintenance and Repair of the Roads and Highways in such County or Burgh respectively.

PART VII.

MANAGEMENT OF ROADS.

Trustees to manage Highways.

117. From and after the *Fifteenth Day of May* next following the 40 Date of Adoption of the Provisions of this Act with respect to the Maintenance and Repair of Highways by Assessment, the whole Highways

Highways and Highway Bridges within the County shall form One general Trust, and shall be managed and maintained by the County Road Trustees and the Road Committee; and all the Roads, Bridges, Lands, Buildings, Works, Rights, Interests, Monies, Property and Effects, Rights of Action, Claims and Demands, Powers, Immunities, and Privileges whatsoever, except as herein-after provided, vested in or belonging to the Trustees of any Highway or Highway Bridges within the County, shall become and be, by virtue of this Act, transferred to and vested in the County Road Trustees, who shall be liable in all the Debts, Liabilities, Claims, and Demands in which the Trustees of such Highways or Highway Bridges are or were liable under any Public or Local Act then in force, except in so far as such Debts, Liabilities, Claims, and Demands may, under the Provisions of this Act, be discharged or extinguished.

118. From and after the *Fifteenth* Day of *May* next following the Date of Adoption of the Provisions of this Act with respect to the Maintenance of Turnpike Roads by Assessment, the whole Turnpike Roads within the County shall form One general Trust, and shall be managed and maintained by the County Road Trustees and the Road Committee; and all the Roads, Bridges, Lands, Buildings, Works, Rights, Interests, Monies, Property and Effects, Rights of Action, Claims and Demands, Powers, Immunities, and Privileges whatsoever, except as herein-after provided, vested in or belonging to the Trustees of any Turnpike Roads within the County, shall become and be, by virtue of this Act, transferred to and vested in the County Road Trustees, who shall be liable in all the Debts, Liabilities, Claims, and Demands in which the Trustees of such Turnpike Road are or were liable under any Public or Local Act then in force, except in so far as such Debts, Liabilities, Claims, and Demands may, under the Provisions of this Act, be discharged or extinguished.

Trustees
to manage
Turnpike
Roads.

119. The Trustees may at any Special Meeting, by the Votes of at least *Two Thirds* of the Trustees who are present at such Meeting, alter the Number or Limits of the Districts fixed by the Commissioners of Supply in their Resolution to adopt Parts of this Act: Provided that Notice of the Intention to propose any such Alteration shall be given by special Advertisement and by Circular forwarded by Post to each Trustee at his last known or usual Address at least *Two Months* previous to such Special Meeting.

Trustees
may alter
Number
and Limits
of Districts.

120. Notwithstanding any of the Provisions herein contained in relation to the Management of Turnpike Roads and of the Revenues thereof, where any Trust embraces a Turnpike Road partly situate in more than One County, the Portion thereof within each such County shall be vested in and managed by the Trustees and Road

Management
of Roads
in more than
one County.

PART VII. Committee or District Trustees, if the Counties are divided into Districts, of the respective Counties in which such Portion is situate, except so far as regards any Portion of such Road which may be situate in a County which has not adopted the Provisions of this Act in regard to the Maintenance of Turnpike Roads by Assessment; 5 and where any County has not adopted the Provisions of this Act in regard to the Maintenance of Turnpike Roads by Assessment, or the Provisions relating to the Consolidation of Turnpike Trusts, the Portion of any such Turnpike Road situate therein shall continue to be managed in the same Way as was heretofore in use prior to 10 the passing of this Act; and the whole Assets of any such Trust shall, except as herein-after provided, be divided among the Trustees of the respective Counties, when they have each adopted any of the Parts of this Act, or, where One or more of them has not 15 adopted any of the Parts of this Act, among the Trustees continuing to manage the Portion of such Road within such County, and the Trustees of the County which has adopted any of the Parts of this Act, and the Burghs respectively situated therein, in the Proportion in which the Debt affecting such Turnpike Trust shall be valued and allocated among such Counties and Burghs respectively, 20 under the Provisions of this Act: Provided that all Works and Buildings belonging to any such Trust locally situate within any such County or Burgh shall remain the Property of the County or Burgh or of the Trust continuing to manage the Portion of the Road within such County or Burgh, as the Case may be, within 25 which such Buildings are situate.

Roads or
Highways
may be
shut up for
Repairs.

121. The Road Committee or District Trustees, on a written Report from the Surveyor that it is necessary to shut up for a limited Period any Road or Highway within the County or District, for the Purpose of repairing the same, may from Time to Time 30 authorize the shutting up of such Road or Highway for such Period as they may deem necessary: Provided that Notice of the Intention so to shut up such Road or Highway shall be given by special Advertisement at least *One Month* before such Road or Highway shall be so shut up. 35

On Declara-
tion of
Trustees
Highways
may cease to
be such, and
other Roads
may become
Highways.

122. The Trustees may, on a written Report from any District Trustees, or from the Surveyor, resolve and declare at any Annual General Meeting that any Highway shall cease to be a Highway within the Meaning and for the Purposes of this Act, or that any Parish or other Roads which, prior to the Date of Adoption of this 40 Act, had not been maintained by Statute Labour, or out of the Payments of Money by way of Conversion thereof, shall be Highways within the Meaning and for the Purposes of this Act: Provided that Notice shall be given by the Clerk of the Intention to make such Declaration by special Advertisement, and also by 45
printed

printed Notices affixed to the Church Door of every Parish in which any Part of such Roads or Highways are situate at least *One* Month before the Date of the Meeting at which such Declaration is to be made.

- 5 **123.** After a Highway has ceased to be a Highway the Trustees may, by the Votes of *Two Thirds* of the Trustees who are present at any Annual General Meeting, direct it to be shut up, and may sell or dispose of the Ground occupied by such Highway or any Part thereof, or may exchange the same with the Owner of any adjoining
10 Land for any other Land they may require for the Purposes of a Highway : Provided that in the Case of a Sale of such Ground or any Part thereof the Trustees shall first offer the same to the Person or Persons whose Lands immediately adjoin thereto, and if such Person or Persons refuse to purchase the same, whether on
15 account of the Price or otherwise, they shall proceed in the Manner directed by the Public Act, First and Second William the Fourth, Chapter Forty-three, in regard to the Sale and Disposal of Turnpike Roads, and the Price or Prices shall be applied towards the Expense of the Maintenance and Repair of any Highway or Highways within
20 the County or within the District in which the Ground sold is situate.

Highways
ceasing to be
Highways
may be shut
up.

- 124.** Where the Proprietors of Lands and Heritages in any County in which the Provisions of this Act have been adopted are desirous of forming a new Road or constructing a new Bridge, they may apply to the Trustees to sanction the same, and the
25 Trustees may, at any General or Special Meeting, resolve that such new Road or Bridge shall be formed, and may require such Proprietors to provide such Proportion as the Trustees think fit of the Expense of such new Road or Bridge, as a Condition of the Formation and Construction of the same ; and the Expense of such
30 Formation and Construction, so far as payable by the Trustees, shall be raised by an Assessment to be imposed and levied on the Proprietors of Lands and Heritages in the County or District within which such new Road or Bridge is situate, and such Assessment shall not extend over a longer Period than *Ten* Years.

Expense of
new Roads
to be paid
by the
Trustees
and Pro-
moters.

- 35 **125.** From and after the Date of Adoption of this Act in any Burgh the Town Council of such Burgh shall, subject to the Provisions of this Act, have the Management and Control of all the Roads, Highways, and Bridges situate therein, and shall and may exercise all the Rights, Powers, and Privileges of Trustees under
40 this Act, with respect to such Roads, Highways, and Bridges, and may impose and levy Assessments for the Maintenance thereof, and shall also have and may exercise and enforce, with respect to the making, Maintenance, and Repair of such Roads, Highways, and Bridges, the same Powers and Authorities which they have or can

Town Coun-
cil to manage
Roads and
Highways
within the
Burgh.

PART VII.

exercise or enforce with reference to any Streets within the Boundaries of the Burgh.

Trustees
and Town
Councils
may agree
as to Main-
tenance of
Roads.

126. The Trustees of any County in which the Provisions of this Act have been adopted, and the Town Council of any Burgh situate therein, may from Time to Time enter into Agreements, as they think fit, with respect to the Maintenance and Repair of Roads within the Boundaries of such Burgh, or within any Parish in which such Burgh or any Part thereof is situate, on such Terms and Conditions and for such Periods as they think fit, and may apply the Funds levied by them respectively or under their Control in and towards the Payment of such Sums as may be agreed to be paid or contributed by either of the said Parties to the other for the Maintenance and Repair of such Roads.

Money may
be borrowed
for extra-
ordinary Re-
pairs.

127. It shall be lawful for the Trustees of any County and the Town Council of any Burgh to borrow Money for extraordinary Repairs on Highways within such County or Burgh respectively, to be repaid by an Assessment to be imposed or levied on the Proprietors of Lands and Heritages in the landward Parts of the County or in the Burgh respectively in which such Highway is situate, and such Assessment shall not extend over a longer Period than *Ten* Years.

Appeal from
Road Com-
mittee and
District
Trustees.

128. Any Member of the Road Committee or any District Trustee or any other Person aggrieved by any Resolution or Proceeding of the Road Committee or of any District Trustees, may appeal therefrom to a General Meeting of the Trustees, on giving Notice of such Appeal, stating the Grounds thereof, to the Clerk to the Trustees in the Case of an Appeal from the Road Committee, or to the District Clerk in the Case of an Appeal from the District Trustees within *Eight* Days of the Date of the Meeting at which such Resolution or Proceeding was adopted; and the District Clerk shall forthwith transmit any such Notice of Appeal given to him, with a Copy of the Resolution or Proceeding appealed from, to the Clerk of the Trustees; and such Appeals respectively shall be submitted to the First General Meeting of the Trustees which shall be held *Fourteen* Days after such Notice of Appeal is given to or received by the Clerk to the Trustees, and he shall give Notice to the Appellant and to the District Clerk of the Time and Place of holding such General Meeting, by Letters addressed to them at their usual Residences, and forwarded by Post at least *Seven* Days previous to such General Meeting; and the Trustees present at such General Meeting shall hear Parties, if Appearance be made by the Appellant or the Road Committee, or the District Trustees, and shall consider and dispose of such Appeal as they think fit, and their Decision thereon shall be final.

129. The

129. The Provisions of the General Turnpike Road Act, First and Second William the Fourth, Chapter Forty-three, in so far as the same are not inconsistent with this Act, shall extend and apply to all the Turnpike Roads, but not to any of the Highways; and
 5 the Provisions of the General Statute Labour Road Act, Eighth and Ninth Victoria, Chapter Forty-three, shall, in so far as not inconsistent with this Act, extend and apply to all the Highways, but not to any of the Turnpike Roads: Provided that, notwithstanding any Resolution or Declaration under the Authority of this Act by which
 10 Turnpike Roads shall become Highways, all the Enactments and Provisions of the said Act, First and Second William the Fourth, Chapter Forty-three, (with the Exception of the Provisions thereof relating to Tolls and Toll Bars,) shall continue, so far as not inconsistent with this Act, to be applicable and may be enforced with
 15 respect to the Roads so declared to be Highways, by or against the Trustees or other Persons, or otherwise, in the same Manner and to the same Extent as such Enactments and Provisions are applicable and might have been enforced in the like Matters before such Resolution or Declaration.

PART VII.
 Incorporation of General Turnpike and Statute Labour Acts.

130. In the Construction of the said Act, First and Second William the Fourth, Chapter Forty-three, with reference to this Act, the Words "Trustees under any Turnpike Act," or any similar Words, shall mean and apply to the Trustees and the Road Committee and District Trustees appointed and acting under this Act,
 25 in so far as such Application shall not be excluded by the Context, or by the Character or Nature of the Person, Matter, or Thing to which any of the Provisions of the said Act shall relate, or by any of the Provisions of this Act.

Interpretation of Words in General Turnpike Act.

131. All Penalties imposed under the Provisions of this Act
 30 may be recovered under the Provisions of "The Summary Procedure Act, 1864."

Recovery of Penalties.

132. All Monies levied and received by the Trustees and District Trustees under the Authority of this Act, on account of Tolls, Assessments, or Penalties, or otherwise, for the Application of
 35 which no special Provision is made in this Act, shall be applied as follows:

Application of Monies received under this Act.

- First, in Payment of the Salaries and Allowances of Officers and Servants, and the general Expenses of the Management of the Trust;
- 40 Second, in Payment of the Expense of the Maintenance and Repair of the Turnpike Roads, Highways, and Bridges;
- Third, in Payment of Interest on the Debts affecting the Turnpike Roads, Highways, and Bridges, and thereafter towards Payment of the Principal of such Debts:

[101.]

F

Provided

PART VII. Provided that no Monies raised or received for the Maintenance and Repair of Highways, or applicable thereto, shall be applied to Turnpike Roads; and no Monies raised or received for the Maintenance and Repair of Turnpike Roads, or applicable thereto, shall be applied to Highways.

5

Act not to affect existing Arrangements between Trustees of Turnpike Roads or Highways.

133. Nothing in this Act contained shall affect any existing Arrangements between the respective Trustees of any Turnpike Roads or Highways for the Payment of any Sum or Sums of Money by or to such Trustees, whether under Agreement or Act of Parliament; and all Sums agreed or stipulated to be paid 10 under any such Arrangement shall be paid accordingly to or by the Parties liable in the same, or to or by the Trustees who shall under the Provisions of this Act be substituted for such Parties respectively, out of the Tolls or Assessments in lieu thereof (as the Case may be) under the Management of such Trustees.

15

Act not to apply to Roads under Control of local Authorities.

134. This Act shall not extend or apply to any Street, Road, or Highway which at the Date of the Adoption of this Act or any of the Parts or Sections thereof in any County was under the Management and Control of any Town Council, Police Committee, Commissioners of Police, or other local Authority, in virtue of any Public 20 or Local Act of Parliament, or to the Causeway Mail or other Rates or Assessments leviable within any Burgh in respect of such Streets, Roads, and Highways.

Certain Bridges excepted.

135. Excepting for the Purpose of the Valuation of Debts, this Act shall not extend or apply to any Bridge which may be vested 25 in and managed by Trustees under any Local Act, and separate from any Turnpike or Statute Labour Trust.

Provisions of this Act may be incorporated with any future Acts.

136. Any of the Enactments of this Act may be incorporated with any Act to be passed in any future Session of Parliament; and for the Purpose of incorporating any Enactments of this Act with 30 any Act hereafter to be passed it shall be sufficient to describe such Enactments by a Reference to the Parts, Sections or Clauses of this Act, and to enact that the Parts, Sections or Clauses so described shall be incorporated with such Act, and all the Parts, Sections or Clauses of this Act so described and incorporated shall 35 form Part of such Act, except in so far as the same are thereby expressly varied, and such Act shall be construed as if such Parts, Sections, or Clauses were enacted and inserted therein with reference to the Matter to which such Act relates.

SCHEDULES to which this Act refers.

SCHEDULE (A.) No. 1.

I A.B., Accountant of the Court of Session in Scotland do hereby certify,
 under the Authority of "The General Roads and Bridges (Scotland) Act,
 5 1865," that [*Name and Designation of Creditor*] is a Creditor in Road and
 Bridge Debt, [*or Statute Labour Debt, as the Case may be,*] in respect of Monies
 lent to or for Behoof of [*specify the particular Trust in the Case of Turnpike
 Debt, and the District or Parish in the Case of Statute Labour Debt*]; valued
 at the Sum of _____ whereof I have allocated on the landward
 10 Part of the County of _____ [or Burgh of _____, as the
Case may be] the Sum of, _____ all in Terms of the Provisions of
 the said Act.
 Witness my Hand this _____ Day of _____ 18 ____
 (Signed) A.B.

15 SCHEDULE (A.) No. 2.

I [C.D.] transfer to [E.F.] my whole Right and Interest under this
 Certificate.
 (Signed) C.D.

SCHEDULE (B.) No. 1.

20 By virtue of "The General Roads and Bridges (Scotland) Act, 1865," we,
 the Convener and Clerk of Supply of the County of _____ as represent-
 ing the said County, [*or the Provost or Chief Magistrate, as the Case may be,*
 and Town Clerk of the Burgh of _____ as representing the said Burgh]
 grant us to have borrowed and received from [*Name and Designation of*
 25 *Lender*] the Sum of _____ Pounds, for the Payment of valued Road
 and Bridge Debt, allocated on the landward Part of the County of _____
 [*or District or Burgh, as the Case may be,*] under the Provisions of the said
 Act: In consideration whereof we assign to the said [*Name of Lender*] his
 Heirs, Executors, and Assignees, all the Assessments to be raised and paid
 30 within the landward Part of the said County [*or within the said District or
 Burgh, as the Case may be,*] for the Payment and Extinction of Debt under
 the Provisions of the said Act, in Security of the Payment of the said Sum
 of _____ Pounds, with Interest thereon at the Rate of _____
 [101.] _____ G _____ Pounds

Pounds per Centum per Annum, from the Day of until
 Payment of the said Principal Sum, which shall be payable, with the Interest,
 at the Rate aforesaid, as follows [*state the Terms of Repayment according*
to the Arrangement]. And we consent to Registration hereof for Preser-
 vation and Execution. In witness whereof [*insert Testing Clause*]. 5

SCHEDULE (B.) No. 2.

I [*Name and Designation*] in consideration of the Sum of
 Pounds transfer to [*Name and Designation*], and his Heirs, Executors, and
 Assignees, an Assignment in Security, numbered [*insert the Number of the*
Assignment], and dated [*insert Date*], granted by the Convener and Clerk of 10
 Supply of the County of [or by the Provost or Chief
 Magistrate and Town Clerk of the Burgh of , as the Case may be,
 for [*insert the stipulated annual Payment, and Duration thereof,*] from
 the Day of . And I consent to Registration
 hereof for Preservation and Execution. In witness whereof [*insert Testing* 15
Clause].

SCHEDULE (C.)

TOLLS.

	£	s.	d.	
1. For every Horse or Beast of Draught drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, or Hearse, or any Stage Coach, Long Coach, or Diligence, or any Carriage of the like Kinds - - -	0	1	0	20
2. For every Horse, Ox or Beast of Draught drawing any Waggon, Wain or Cart, or other such Carriage - - -	0	0	6	25
If <i>Three</i> Horses, Oxen, or Beasts of Draught are drawing any such Carriage, for every such Horse, Ox or Beast	0	0	9	
If more than <i>Three</i> Horses, Oxen, or Beasts of Draught are drawing such Carriage, for every such Horse, Ox or Beast - - - - -	0	1	0	30
3. For every Horse, Mule or Ass, laden or unladen, and not drawing - - - - -	0	0	3	
4. For every Score of Oxen or Neat Cattle - - - - - And so in proportion for any greater or less Number.	0	1	8	
5. For every Score of Calves, Hogs, Sheep, Lambs or Goats - - And so in proportion for any greater or less Number.	0	0	10	35
6. For every Score of Horses or Fillies unshod - - - - - And so in proportion for any greater or less Number.	0	2	6	
7. For				

7. For all Carriages drawn or propelled by Steam, the same Tolls as are leviable under the "Locomotive Act, 1861."
8. When the Weight of any Waggon, Wain, Cart or other Carriage, with the Load thereon, amounts to *Twenty* Hundredweight (of One hundred and twelve Pounds to the Hundredweight), and does not exceed *Thirty* Hundredweight, *double* Tolls shall be charged and paid; and when the Weight of any Waggon, Wain, Cart or other Carriage, with the Load thereon, exceeds *Thirty* Hundredweight, *treble* Tolls shall be charged and paid.
9. In any Case where there is a fractional Part of a *Halfpenny* in the Calculation of the Amount of any Toll, such fractional Part shall be reckoned and charged as *One Halfpenny*.

SCHEDULE (D.)

ASSESSMENT ON HORSES AND MULES.

		£	s.	d.
15	1. For every Horse or Mule used in licensed Stage Carriages -	2	10	0
	2. For every Horse or Mule used in licensed Hackney Carriages, or kept for Hire by a licensed Person -	2	0	0
	3. For every Horse or Mule exceeding <i>Thirteen</i> Hands in Height, kept for riding or for drawing a Carriage and chargeable with Duty -	1	0	0
20	4. For every Horse or Mule not exceeding <i>Thirteen</i> Hands in Height, kept for riding or for drawing a Carriage and chargeable with Duty -	0	10	0
	5. For every Horse or Mule kept exclusively or principally for carting or drawing Loads and chargeable with Duty -	1	10	0
25	6. For <i>One</i> Horse or Mule used for riding or drawing any Carriage chargeable with Duty, and kept by any Minister, Preacher, or Teacher, or by any Medical Practitioner, or by any Farmer making his Livelihood principally by Husbandry, or kept by or for the Use of any Grieve or Bailiff, Shepherd or Herdsman -	0	5	0
30	7. For each additional Horse or Mule kept by any of the Persons mentioned in Article 6. -	1	0	0
35	No Assessment to be imposed on any Horse or Mule in any Year for more than One of the Rates above specified.			

Roads and Bridges (Scotland).

A

B I L L

To provide for the Management and Maintenance of Turnpike and Statute Labour Roads and Bridges in Scotland.

(Prepared and brought in by
Lord Elcho, Sir Graham Montgomery, and
Sir Robert Anstruther.)

*Ordered, by The House of Commons, to be Printed,
3d April 1865.*

[Bill 101.]

Under T 02.

Roads and Bridges (Scotland).

[AS AMENDED IN COMMITTEE.]

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A

B I L L

[AS AMENDED IN COMMITTEE]

TO

**Provide for the Management and Maintenance of
Turnpike and Statute Labour Roads and Bridges
in Scotland.**

WHEREAS it is expedient that the public Roads and Bridges in Scotland should be placed under uniform Management and Control, and that Provision should be made for the Regulation or Abolition of Tolls, for the Abolition of Statute Service and Statute Labour Conversion Money and Bridge Money, and for ascertaining and redeeming the Debts chargeable on Roads and Bridges; and that Facilities should be afforded for the Improvement and Maintenance and more economical Management of such Roads and Bridges: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The General Roads and Bridges (Scotland) Act, 1865."

2. In this Act the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction:

[Bill 165.]

A

" Person "

Preamble.

Interpreta-
tion.

- “Person” shall apply to and include Corporations and Companies :
- “Sheriff” shall mean the Sheriff of the County, and shall include Sheriff Substitutes and Steward Substitutes :
- “The Trustees” shall mean the County Road Trustees for the Time being appointed and acting under this Act :
- “The Road Committee” shall mean the County Road Committee for the Time being appointed and acting under this Act :
- “The District Trustees” shall mean the Trustees for any District of a County for the Time being appointed and acting under this Act :
- “Clerk” and “Surveyor” shall respectively mean the County Road Clerk and the County Road Surveyor for the Time being appointed and acting under this Act :
- “Creditor” shall include the Trustee, Tutor or Curator, Judicial Factor, or Curator Bonis of any Creditor :
- “The County” shall mean any County in which any Part or Section of this Act has been adopted, and is for the Time being in force, including the Burghs and Towns situate therein in which none of the Parts or Sections of this Act have been adopted :
- “Burgh” shall mean and include any Royal Burgh, or any Burgh sending or contributing to send a Member to Parliament :
- “Town Council” shall mean the Magistrates and Town Council or other Administrators of the Affairs of any Burgh :
- “Turnpike Roads” shall include all Roads and Bridges forming Part of any Turnpike Road :
- “Highways” shall mean and include all Statute Labour Roads and Bridges within the County for the Time being vested in or otherwise under the Management or Control of the Trustees, and all other Roads and Bridges, when declared to be Highways under the Provisions of this Act :
- “Tolls” shall include Pontages :
- “Proprietor,” and “Lands and Heritages,” shall have the same Meaning as is attached thereto respectively in the Act Seventeenth and Eighteenth Victoria, Chapter Ninety-one, intituled “An Act for the Valuation of Lands and Heritages in Scotland :”
- “Valuation Roll” shall mean the Valuation Roll in force for the Time being for any County and each of the Royal Burghs therein, made up under the Authority of the said Valuation Act or any other Act relating to the Valuation of Lands and Heritages in Scotland which may be in force for the Time being :
- “Local Newspaper” shall mean any Newspaper published in the County, or, if there be no Newspaper published therein, any Newspaper published in a County adjoining or near thereto :

Where

Where in this Act Notice is required to be given by "special Advertisement," such Notice shall be published once at least in Two local Newspapers :

5 "Maintenance and Repair" shall mean and include such Alterations on Turnpike Roads and Highways as the Trustees shall deem expedient or necessary.

PART I.

ADOPTION OF THE ACT.

SECTION 1.—*Adoption by Counties.*

10 3. The Commissioners of Supply of any County, at any Special Meeting held for the Purpose, called by the Convener of the County on a Requisition in Writing signed by any Five Commissioners of Supply, after Notice by special Advertisement of the Object of such Meeting Thirty Days previous thereto, may resolve, by the Votes
15 of not less than Two Thirds of the Commissioners of Supply present at such Meeting, to adopt any of the Parts or Sections of this Act.

PART I.
Commissioners of Supply may adopt Parts or Sections of Act.

4. Any Special Meeting of the Commissioners of Supply to be called as aforesaid may be adjourned to any Time or Place to be fixed by the Commissioners of Supply present at such Special Meeting;
20 and Notice of such adjourned Meeting shall be given by special Advertisement, and the Commissioners of Supply present thereat may resolve to adopt any of the Parts or Sections of this Act.

Special Meeting may be adjourned.

5. The Resolution to adopt any Part or Section of this Act shall not take effect unless the same be confirmed at the next Half-yearly Meeting of the Commissioners of Supply to be held not less
25 than Three Months after such Special or adjourned Meeting.

Confirmation of Resolution to adopt Act.

6. The Commissioners of Supply in their Resolution to adopt Parts Second, Third, Fifth, and Seventh of this Act, or any of them, shall determine the following Matters :

Certain Matters to be determined in Resolution to adopt Act.

30 1. Whether the Roads in the County shall be managed as a whole, without Division into Districts, or whether the County shall be divided into Districts; and if a Division into Districts is determined on, the Commissioners of Supply may either adopt any existing Division into Districts under any
35 Local Road Act applicable to the County, or may make such new Division into Districts as they think fit, and may fix the Number and Limits of such new Districts :

2. Whether the Trustees to be elected for such County shall be elected for Parishes or for Districts; and if it be determined
40 that such Trustees shall be elected for Districts, the Commissioners of Supply shall fix the Number of Trustees to be

PART I.

elected for each District, being not more than Four and not less than Two, as herein-after provided :

3. Whether the Amount of Debts on Turnpike and Statute Labour Roads, to be valued and ascertained as herein-after provided, shall be allocated on the whole County, or on the 5 Districts into which it may be divided :
4. The Commissioners of Supply shall fix and determine the maximum Rate of Assessment to be imposed and levied for the Maintenance and Repair of Roads and Highways :
5. The Commissioners of Supply shall determine in which of the 10 alternative Modes provided by this Act the Assessments for Maintenance and Repair of Highways shall be levied and paid :
6. The Commissioners of Supply shall determine, in the Case of a County divided into Districts, whether the Assessments for Maintenance and Repair of Roads and Highways shall 15 be levied at a uniform Rate over the whole County, and the Proceeds thereof allocated by the Trustees to and among the several Districts, in such Proportions as they think fit ; or whether separate Assessments for the Maintenance and Repair of the Roads and Highways in each District shall be 20 levied and expended in such District.

If Resolution to adopt Act negatived, further Proceedings not to be taken for Twelve Months.

7. If the Commissioners of Supply at such Special or adjourned Meeting shall resolve not to adopt any Part or Section of this Act, or if the Resolution of the Special Meeting to adopt any Part or Section shall not be confirmed at such Half-yearly Meeting 25 respectively, it shall not be competent to take Proceedings for the Adoption of any Part or Section of this Act, until the Expiration of Twelve Months from the Time when such Resolution has been negatived.

Time of Act coming into Operation to be specified in Resolution.

8. In the Resolution to adopt any Part or Section of this Act, a 30 Date shall be specified at which the Part or Section so adopted is to come into operation in the County, not being earlier than Six Months after the Confirmation of such Resolution, and such Date shall be held to be and is herein-after referred to as the Date of Adoption of this Act. 35

Commissioners of Supply to fix Times and Places for Elections and First Meeting of Trustees.

9. The Commissioners of Supply shall, in the Minute of the Half-yearly Meeting confirming the Resolution to adopt Parts Second, Third, Fifth, and Seventh of this Act, or any of them, fix the Days on which Meetings shall be held for the Election of Trustees in the several Parishes in the County when it is not divided into 40 Districts, or the Time and Place at which Meetings shall be held for the Election of District Trustees, when the County is divided into Districts, and the Time and Place at which the First Meeting of the Trustees under this Act shall be held.

10. Where

10. Where any Part or Section of this Act has been adopted in any County, the Commissioners of Supply may at any future Time adopt any other Parts or Sections thereof, by the Resolution of a Special or adjourned Meeting, to be passed and confirmed as
5 herein-before provided.

PART I.
Adoption of further Parts or Sections of Act by Counties.

11. After the passing and Confirmation of any Resolution to adopt any Part or Section of this Act the Clerk to the Commissioners of Supply shall forthwith transmit a Copy of such Resolution, and of the Minutes of the Meeting at which the same was con-
10 firmed, certified and subscribed by him, to the Sheriff Clerk of the County, to be registered in the Sheriff Court Books; and the Sheriff Clerk shall be bound to register the same accordingly, on Payment of the usual Fees; and Notice of such Resolution shall also be published by the Clerk to the said Commissioners, by special Advertisement.

Resolution to be registered in Sheriff Court Books, and published.

15 SECTION 2.—*Adoption by Burghs.*

12. For the Purposes of this Act, the Boundaries of Burghs shall be held to be the Parliamentary Boundaries thereof as fixed and defined in the Public Act Second and Third William the Fourth, Chapter Sixty-five: Provided, that Agreements may be made by the County
20 Road Trustees and the Town Council of any Burgh, with respect to the Maintenance and Management of Roads within or beyond the Boundaries of the Burgh, as herein-after provided.

Boundaries of Burghs.

13. Any Part or Section of this Act may be adopted by any Burgh, as herein-after provided, at any Time either before or after
25 the Adoption of any Part or Section of this Act by the County in which such Burgh is situate.

CLAUSE A.
Act may be adopted in Burghs before or after Adoption in Counties.

14. The Town Council of any Burgh may, at any Meeting specially called for the Purpose, resolve to adopt any Part or Section of this Act, and such Resolution shall be submitted for
30 Confirmation at another Meeting of the Town Council, to be held not earlier than One Month after the Date of the Meeting at which such Resolution was adopted, and on the Confirmation of such Resolution the Part or Section of this Act specified therein shall be held to be adopted in such Burgh, and shall take effect and
35 be in force therein from and after the Date to be specified in such Resolution; and such Date shall be held to be and is herein-after referred to as the Date of Adoption of this Act.

Act may be adopted in Burghs.

15. A Copy of the Resolution of the Town Council to adopt any Part or Section of this Act, and of the Minute of the Meeting
40 confirming the same, certified under the Hands of the Provost or acting Chief Magistrate, and of the Town Clerk of the Burgh, shall,

Resolution to be registered in Sheriff Court Books.

PART I.

within Fourteen Days after the Date of such Minute, be transmitted to the Sheriff Clerk of the County in which the Burgh is situate, for the Purpose of being registered in the Sheriff Court Books of the County; and the Sheriff Clerk shall register the same, on Payment of the usual Fees, as herein-before provided. 5

Adoption of
further Parts
or Sections
of Act by
Burghs.

16. Where any Part or Section of this Act has been adopted in any Burgh, the Town Council may at any future Time adopt any other Parts or Sections thereof, by the Resolution of a Special Meeting to be passed and confirmed, as herein-before provided.

SECTION 3.—*Repeal of Local Acts.*

10

Repeal of
Local Acts.

17. From and after the Date of Adoption of Part Fourth of this Act in any County, the Local Acts relating to Turnpike Roads in such County shall be and are hereby repealed, subject to the Provisions of this Act; and from and after the Date of Adoption of Parts Second, Third, Fifth, and Seventh of this Act in any County, 15 the Local Acts relating to Statute Labour Roads in such County shall be and are hereby repealed, subject to the Provisions of this Act.

Convey-
ances, &c.
to remain in
force.

18. All Purchases, Sales, Conveyances, Assignations, Leases, Mortgages, Deeds, Bonds, Contracts, Agreements, Securities, and 20 other Acts and Things, made, done, entered into, executed or instituted under or by virtue or in consequence of or confirmed by any Local Act repealed by or in consequence of the Adoption of the said Parts or Sections of this Act, or with reference to any of the Purposes thereof, shall, notwithstanding the Repeal of the said Act, 25 be as good, valid, and effectual, to all Intents and Purposes, as they would have been if the said Act had not been repealed, and may be proceeded on and enforced accordingly, the Trustees under this Act coming in the Room and Place of the Trustees under the repealed Act. 30

Actions not
to abate.

19. No Action, Suit, Prosecution, or other Proceeding, commenced either by or against the Trustees under any repealed Act, or their Clerk or other Officer on their Behalf, before the Date of Adoption of this Act, shall abate or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect 35 in favour of or against the Trustees under this Act, in like Manner in all respects as the same would have continued and taken effect if the said Parts of this Act had not been adopted; and all Offences against the Provisions of any repealed Act committed before the Adoption of this Act may be prosecuted, and all Penalties incurred 40 by reason of such Offences may be sued for, in like Manner in all respects as if the said Parts of this Act had not been adopted.

19. All

20. All Persons acting or who have acted under any repealed Act as the Trustees of any Turnpike Roads or Highways, or as Clerks or other Officers of any such Trustees, who shall at the Date of Adoption of this Act have in their Custody, Power, or Possession, or under their Control, any Monies collected by virtue of the said repealed Act, or any Books, Deeds, Papers, Writings, or Effects belonging to any such Trustees, or relating to the Execution of the said repealed Act, shall pay and deliver the same to the Trustees under this Act, or to such Person as they shall appoint to receive the same; and every Person neglecting or refusing so to pay or deliver shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds, to be recovered by Action, at the Instance of the Clerk, in any Court of competent Jurisdiction.

PART I.
Persons who have acted under repealed Acts, to account for Monies and deliver up Books.

21. Every Person who at the Date of Adoption of this Act shall be liable for the Payment of any Assessments, Tolls or Duties, leviable under any repealed Act, shall, notwithstanding the Repeal of the said Act, be liable for the Payment of such Assessments, Tolls and Duties, to the Trustees under this Act, in like Manner as every such Person would have been liable for the Payment thereof to the Trustees under the repealed Act if the said Parts of this Act had not been adopted; and such Assessments, Tolls or Duties, shall be paid, with all Interest due thereon, to the Trustees under this Act, and the Payment thereof may be enforced by them in the like Manner as such Payment might have been enforced by the Trustees under the repealed Act if the said Parts of this Act had not been adopted, or in the same Manner as the Payment of any Assessments or Tolls leviable under this Act may be enforced; and the Trustees under the repealed Act shall pay over to the Trustees under this Act all Monies in their Hands received by them, either under the Powers of the repealed Act or applicable to the Purposes thereof, and the Payment thereof may be enforced by Action, at the Instance of the Clerk, in any Court of competent Jurisdiction.

Persons owing Debts under repealed Acts, to be liable to Trustees.

PART II.

35 APPOINTMENT AND ELECTION AND POWERS AND DUTIES OF TRUSTEES AND DISTRICT TRUSTEES,

SECTION 1.—*Appointment and Election of Trustees.*

22. From and after the Date of Adoption in any County of Parts Third, Fifth, or Seventh of this Act, the following Persons shall be the Trustees for executing this Act, and shall be called the "County Road Trustees;" viz.

1. All Persons being Commissioners of Supply of the County :

[165.]

A 4

2. All

PART II.
Appointment of County Road Trustees.

PART II.
—

2. All Persons who, although not Commissioners of Supply, shall at the Date of Adoption of this Act be Trustees of any Turnpike Road or Highway within the County, under the Provisions of any Public or Local Act then in force :
3. One Guardian, Tutor, Curator, or Trustee of every Person 5 having the Qualification of a Commissioner of Supply and being in Minority or under any legal Incapacity, and One Factor of every Commissioner of Supply appointed to act in the Absence of his Constituent :
4. The Provost or Chief Magistrate and One Member of the 10 Town Council of each Burgh in the County which has more than Two thousand Inhabitants, and the Provost or Chief Magistrate alone of each Burgh in the County which has less than Two thousand Inhabitants, except as herein-
after provided : 15
5. The Chairman or Deputy Chairman of any incorporated Company assessed under the Provisions of this Act in respect of Lands and Heritages of the yearly Rent or Value of One hundred Pounds who shall be appointed by such Company from Time to Time as a Trustee under this 20 Act :
6. In any County which is not divided into Districts, One Person, being the Tenant and Occupier of Lands and Heritages in the County of the yearly Rent or Value as entered in the Valuation Roll of not less than One 25 hundred and fifty Pounds, to be elected annually, as herein-after provided, by the Tenants and Occupiers of Land and Heritages in each Parish or united Parish, wholly or partially situate in the County (exclusive of Parishes wholly situate within any Burgh), who are entered 30 in the Valuation Roll at any Sum not less than Fifty Pounds of yearly Rent or Value :
7. In any County which is divided into Districts, One Person for each Parish, or such Number of Persons not exceeding Four and not less than Two for each District, as may be 35 fixed by the Commissioners of Supply in the Resolution to adopt the said Parts of this Act, such Persons respectively being Tenants and Occupiers of Lands and Heritages in such Parish or District of the yearly Rent or Value of One hundred and fifty Pounds, to be elected annually, as 40 herein-after provided, by the Tenants and Occupiers of Lands and Heritages in such Parish or District (exclusive of the Burghs situate therein), who are entered in the Valuation Roll at any Sum not less than Fifty Pounds of yearly Rent or Value. 45

23. The Provisions of this Act with respect to the Election of Trustees shall be in force from and after the Date of the Confirmation of the Resolution to adopt the said Parts of this Act, and the Provisions of this Act, so far as adopted in any County, shall
5 come into operation at the Date of Adoption of this Act.

PART II.

Time when Provisions of Act to come into operation.

24. For the Purpose of carrying into effect the Election of Trustees under this Act in any County which is not divided into Districts, and in any County which is divided into Districts and in which the Commissioners of Supply have determined that a
10 Trustee shall be elected for each Parish, the Clerk to the Commissioners of Supply (herein-after called the Clerk of Supply) shall convene Meetings of the Persons in each Parish in the County who are qualified as herein-before provided to elect and to be elected Trustees, to be held on the Day fixed in the Minute of the
15 Meeting at which the Resolution to adopt this Act is confirmed, which Meetings shall be held in the Schoolroom of the principal Parochial School of any Parish, or at such other Place within each Parish as shall be specified in the Notice convening the Meeting; and such Notice shall be given by special Advertisement, and affixed to the Door of each Parish Church in the Parish,
20 not less than Ten Days previous to the Meeting, and at each of such Meetings the Persons present, being qualified as aforesaid, and Three being a Quorum, shall proceed to elect One Male Person of full Age, having the Qualification aforesaid in respect
25 of Lands and Heritages situate within the Parish represented by such Meeting, to be a Trustee under this Act; and the Persons present at each such Meeting shall appoint a Chairman, who shall, in case of an Equality of Votes, have a casting as well as a deliberative Vote, and who shall record the Result of the Election, and
30 report the same to the Clerk of Supply, who shall thereafter report the same to the First General Meeting of the Trustees: Provided that in the Case of an Equality of Votes with respect to the Appointment of a Chairman the Person proposed as Chairman who is entered in the Valuation Roll at the highest Amount shall be appointed
35 Chairman.

First Election of Trustees in Counties.

25. Where any County is divided into Districts, and the Commissioners of Supply have determined that Trustees shall be elected for each District, the Clerk of Supply shall convene Meetings of the Persons in each District who are qualified as herein-before provided to elect and be elected Trustees, to be held on the Day
40 and at the Place to be fixed in the Minute of the Meeting at which the Resolution to adopt this Act is confirmed; and the Notice convening such Meeting shall be published by special Advertisement; and at each such Meeting the Persons present, being
[165.] B qualified

First Election of Trustees in Districts.

PART II.

qualified as aforesaid, and Three being a Quorum, shall proceed to elect the Number of Persons specified in the Resolution of the Commissioners of Supply, being Males of full Age having the Qualification aforesaid in respect of Lands and Heritages situate in the District, to be Trustees under this Act; and the Provisions 5 herein-before contained with respect to the Election of Trustees for Parishes shall be applicable to the Proceedings of such Meetings; and the Chairman of each Meeting shall record the Result of the Election, and report the same to the Clerk of Supply, who shall thereafter report the same to the First General Meeting of the 10 Trustees.

Subsequent Elections.

26. The elected Trustees shall continue in Office until the Day appointed for the next Annual Election, which shall take place between the Fifteenth Day of September and the Second Tuesday of October in each Year after such First Election; and Meetings shall 15 be held annually between the said Days in each Parish or District for the Election of a Person to be a Trustee in place of the Trustee whose Term of Office shall have expired; which Meetings shall be called by the Clerk to the Trustees under this Act, and Notice thereof shall be given by special Advertisement, and in all other respects the 20 Procedure shall be as above prescribed for the First Election; and the Result of each Election shall be reported to the Clerk, and by him to the next General Meeting of the Trustees: Provided that any Trustee whose Term of Office has expired may be re-elected.

Failure to elect or of Trustees to act not to affect Proceedings of Trustees.

27. If the Persons qualified to elect Trustees in any Parish or 25 District fail to make an Election, or if any Person elected to be a Trustee, or any other Trustee, refuse to act, or resign, die, or become disqualified, the Acts and Proceedings of the remaining Trustees shall be as valid and effectual as they would have been if such Failure, Refusal, Resignation, Death, or Disqualification had not occurred. 30

County Road Committee to be appointed.

28. The Trustees shall at their First Meeting after the Adoption of this Act, or at any adjourned Meeting, nominate and appoint a Committee of their Number, to be called the "County Road Committee;" and the said Committee shall have the general Administration and Superintendence of the whole Roads and 35 Highways in the County, and shall consist of such Number of Trustees as shall be fixed by the Trustees, not being more than Sixteen and not being less than Eight; and not more than One Fourth of the Members of the said Committee shall be Trustees elected for and representing Parishes or Districts; and the Trustees 40 shall fix the Quorum of the said Committee, and shall appoint One of the Members thereof to be the Convener and Chairman, who when present shall preside at the Meetings of the said Committee, and in his Absence from any Meeting any other Member of the said

said Committee may be elected to preside thereat; and in case of an Equality of Votes at any Meeting of the said Committee the Convener and Chairman, or the Person acting as Chairman, shall have a casting as well as a deliberative Vote.

PART II.

5

SECTION 2. *District Trustees.*

29. Where any County is divided into Districts, the following Persons shall be the District Trustees; viz.,

Appoint-
ment of
District
Trustees.

1. Every Trustee under this Act who is the Proprietor of Lands and Heritages in the District, or is usually resident therein :
- 10 2. The Trustees for the District, or for the Parishes within the same, to be elected as herein-before provided.

30. If any District Trustee shall refuse to act, or resign, or die, or become disqualified, the Trustees may, if they think fit, at any General or Special Meeting, appoint a District Trustee to supply his Place; and the District Trustee so appointed shall remain in Office only so long as the Person in whose Room he was appointed might have held Office.

Occasional
Vacancies to
be supplied.

31. The District Trustees shall, in so far as the Provisions of this Act have been adopted, have the immediate Management and Superintendence of the Roads within the District for which they are appointed, subject to an Appeal to the Trustees, as herein-after provided.

Powers of
District
Trustees.

32. The District Trustees of each District shall annually make a Report of their Proceedings to the Trustees, with detailed Accounts of their Receipts and Expenditure, at such Times and in such Manner as may be prescribed by the Trustees.

District
Trustees to
report to
County Road
Trustees.

SECTION 3. *Meetings of Trustees and District Trustees.*

33. The Trustees shall hold an Annual General Meeting on the Day and at the Place fixed in the Resolution to adopt any Part or Section of this Act, or on such other Day or at such other Place as may be resolved on at any Annual General Meeting of the Trustees.

Meetings of
Trustees.

34. At the First General Meeting of the Trustees, and at each Annual General Meeting thereafter, the Trustees present shall choose Two of their Number to be Chairman and Deputy Chairman of the Trustees respectively; and such Chairman and Deputy Chairman shall hold Office until the Annual General Meeting succeeding their Appointment, or until their Successors are appointed, and may be re-elected on the Expiration of their First or other Period of Office; and the Chairman, when present, or in his Absence the Deputy Chairman, when present, shall preside at all General and Special Meetings of the Trustees; and in the Absence of both the Chairman

Chairman
and Deputy-
Chairman
of Trustees.

PART II.

and Deputy Chairman the Trustees present at any General or Special Meeting shall elect One of their Number to preside at such Meeting.

Meetings
of District
Trustees.

35. The Place of Meeting of the District Trustees in each District shall be fixed in the first instance by the Trustees, and thereafter by the District Trustees themselves; and the District Trustees shall hold their First Meeting at the Time and Place to be fixed by the Trustees, and shall hold Meetings thereafter as often as shall be necessary for the Disposal of Business.

Chairman
of District
Trustees.

36. The District Trustees shall, at their First Meeting after their Appointment in each Year, elect One of their Number to be their Chairman for the Year succeeding his Election; and the Chairman shall, when present, preside at all Meetings of the District Trustees, and in his Absence the District Trustees present at any such Meeting shall elect One of their Number to preside; and in case of an Equality of Votes the District Trustee present whose Name stands first on the Sederunt Roll of the Meeting shall preside at such Meeting. 10 15

Trustees to
fix Quorum.

37. The Trustees shall at their First Meeting under this Act fix the Number of Trustees who shall form a Quorum at Meetings of the Trustees; and, where the County is divided into Districts, the Trustees shall fix the Number of District Trustees who shall form a Quorum at Meetings of the District Trustees; and the Trustees may alter such Quorum of Trustees and District Trustees respectively from Time to Time as they think fit. 20

SECTION 4.—*Appointment of Officers.*

25

Officers to be
appointed.

38. The Trustees may appoint a Clerk, who shall be called the "County Road Clerk," and a Surveyor, who shall be called the "County Road Surveyor," and such other Officers and Servants as they may think necessary for carrying this Act into execution; and such Officers and Servants shall perform the Duties from Time to Time prescribed by the Trustees, and shall be subject to Removal at any Time by the Trustees; and they and all other Officers of the Trustees shall find such Security as the Trustees shall require. 30

Salaries to
be fixed by
Trustees.

39. The Trustees shall fix the Salaries and Allowances to be paid to the Clerk and the Surveyor and the several other Officers and Servants appointed and employed by them; and such Salaries and Allowances, and all other necessary Expenses incurred in the Execution of this Act, shall be paid out of the several Funds and Revenues at the Disposal of the Trustees for that Purpose, in such Proportions as the Trustees shall from Time to Time fix and determine. 35 40

SECTION

SECTION 5.—*Meetings and Proceedings of Trustees and District Trustees.*

PART II.
—
Meetings
and Pro-
ceedings of
Trustees
and District
Trustees.

40. The following Provisions shall be applicable to the Meetings and Proceedings of the Trustees and the District Trustees respectively :

1. Special Meetings of the Trustees may be called by their Chairman, at any Time he may think fit, by special Advertisement, stating the Object of such Meeting ; and on a Requisition, stating the Object of such Special Meeting, and signed by Five Trustees, being presented to the Chairman of the Trustees, he shall direct the Clerk to call a Special Meeting of the Trustees, stating the Object of such Meeting, of which at least Fourteen Days Notice shall be given by special Advertisement :
2. Special Meetings of the District Trustees may be called at any Time by the District Clerk, by Order of the Chairman of the District Trustees ; and on a Requisition, stating the Object of such Meeting, and signed by any Three District Trustees, being presented to the District Clerk, he shall call a Special Meeting of the District Trustees ; and Notice of every such Special Meeting shall be given by Circular, stating the Object of such Meeting, addressed to each District Trustee at his usual Residence, and forwarded by Post at least Eight Days before such Meeting :
3. Any Meeting, General or Special, of the Trustees or of the District Trustees, may be adjourned to a Time and Place to be specified in the Minutes of such Meeting ; and in the event of a Quorum not being present at any General or Special Meeting the Clerk shall, in the Case of Meetings of the Trustees by special Advertisement, and the District Clerk shall, in the Case of District Trustees, by Circular addressed and forwarded by Post as herein-before provided, call another Meeting, to be held at the same Place on any Day within Three Weeks after the Day fixed for such Meeting :
4. Any Business appointed by this Act to be transacted, and any Assessment by this Act authorized to be imposed, at any General or Special Meeting of the Trustees or of the District Trustees, may be transacted or imposed at any such adjourned Meeting : Provided that no Business shall be brought before or transacted at such adjourned Meeting which was not brought or appointed to be brought before the original Meeting which was so adjourned :
5. The Chairman or Deputy Chairman, or other Person presiding at any Meeting of the Trustees or of the District Trustees, shall, in case of Equality of Votes, have a casting as well as a deliberative Vote.

PART II.
Trustees
may sue
and be sued.

41. The Trustees or District Trustees may sue and be sued in the Name of the Clerk or District Clerk respectively for the Time being, or in the Name of any Person authorized by the Trustees or District Trustees; and no Action or Process at the Instance of or against the Trustees or District Trustees, in Name of their Clerk, shall fall or be suspended by his Death or Removal: Provided that all Expenses incurred by any such Clerk or other Person in connexion with any Action or Proceedings instituted or defended under the Orders or Instructions of the Trustees or District Trustees shall be paid out of the Funds at the Disposal of the Trustees or District Trustees, as the Case may be. 5 10

Contracts
to be entered
into by the
Clerk.

42. All Contracts, Agreements, Leases, and other Deeds or Writings into which the Trustees under this Act, or the District Trustees, if the County be divided into Districts, or their respective Committees, may enter, or which they may require to grant or execute, and which they shall have ordered to be entered into, granted, or executed, may be granted or executed by the Clerk or District Clerk respectively in their Name and on their Behalf, and the same shall be and remain good, valid, and effectual, notwithstanding the Death, Resignation, or Removal of any such Clerk. 15 20

Authentica-
tion of
Documents
relating to
the Execu-
tion of this
Act.

43. For the Purposes of this Act, the Signature of the Chairman or Deputy Chairman of the Trustees, or of the Preses of any Meeting of the Trustees, or of the Chairman of any District Trustees, or of the Convener of any Committee to be appointed for carrying into effect the Purposes of this Act, adhibited to any Writing or Document, shall be equivalent to the Signatures of the whole Trustees or District Trustees or Members of Committees present at a Meeting thereof respectively; and the Addition to such Signature of the Word "Chairman," "Preses," or "Convener" shall be good primâ facie Evidence that such Signature is the Signature of such Chairman, Preses, or Convener, as the Case may be, and that such Writing or Document is genuine and authentic. 25 30

District
Trustees
may appoint
Clerks.

44. The District Trustees may from Time to Time appoint a District Clerk, and prescribe his Duties, and, subject to the Approval of the Trustees, the District Trustees may fix the Salaries to be paid to and the Security to be taken from such District Clerk for the Discharge of his Duties, where such Security is required to be taken; and every such District Clerk shall hold Office only during the Pleasure of the District Trustees, by whom he may at any Time be removed from Office. 35 40

Money bor-
rowed under
this Act to

45. In every Case where any Monies shall have been borrowed under the Powers of this Act, it shall be lawful for the Commissioners

sioners of Supply or Town Council by whom such Monies shall have been borrowed to pay off the Monies so borrowed, and to raise and borrow the Monies necessary for that Purpose, and also to repay the said last-mentioned Monies and the Interest thereof, but so nevertheless that all Monies borrowed under the Powers of this Act shall be repaid within Thirty Years from the Time when the same shall have been borrowed.

PART II.

be paid off within limited Period.

46. In case the Convener or Commissioners of Supply of any County, or Persons appointed or directed by them, or the Town Council of any Burgh, or Persons appointed or directed by them, or the Clerk to the Trustees under this Act, or to the Trustees under any Local Turnpike Road Act, shall refuse or neglect to do what is by this Act required of them respectively, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for any Creditor to apply by summary Petition to the Court of Session in either of the Divisions thereof, or to the Lord Ordinary on the Bills during the Vacation; and the Court and Lord Ordinary respectively are and is hereby authorized and required to take such Proceedings, and make such Orders on and with respect to such Petition, as to them or him shall seem just and necessary for the Execution of the Purposes of this Act.

Court of Session may enforce Compliance with Provisions of this Act.

47. The Trustees or District Trustees may from Time to Time appoint Committees of their Number respectively for any special Purpose relating to the Execution of this Act, with such Powers, and subject to such Orders and Directions, not inconsistent with the Provisions of this Act, as the Trustees or District Trustees may respectively prescribe, and may fix the Quorum and appoint the Convener of such Committees.

Trustees and District Trustees may appoint Committees.

48. The Road Committee may from Time to Time appoint Sub-Committees of their Number, for any special Purpose relating to the Execution of this Act, with such Powers, and subject to such Orders and Directions, not inconsistent with the Provisions of this Act, as the Road Committee may prescribe, and may fix the Quorum and appoint the Convener of such Sub-Committees.

Road Committee may appoint Sub-Committees.

35

PART III.

VALUATION AND PAYMENT OF DEBTS.

PART III.

49. Within Two Months after the Date of Adoption of the Provisions of this Act with respect to the Abolition of Tolls, the Clerk shall make out a List of the whole Debts of each Turnpike Trust, and within Two Months after the Date of Adoption of the Pro-

Clerk to make out List of Debts.

PART III.

visions of this Act with respect to the Abolition of Statute Labour Conversion Money, the Clerk shall make out a List of the whole Debts of each Statute Labour Trust, distinguishing in each Case as far as possible the Order of Preference of such Debts, and also showing what Proportions thereof consist of Principal and of Arrears 5 of Interest, if any, and the Names of the Creditors in such Debts, so far as known to him; and such Lists shall be deposited in the Office of the Clerk, for the Inspection of all Persons interested or claiming to be interested in such Debts.

Intimation
to Creditors.

50. The Clerk shall, by special Advertisement, within Eight 10 Days after such Lists have been deposited, give Intimation that such Lists have been deposited, and require all Persons claiming to be entitled to Payment of any Debt affecting the Turnpike Roads and Statute Labour Roads included in such Trusts respectively, or the Tolls and Revenues thereof, to lodge their Claims, and the 15 Vouchers thereof, with him, on or before a Day to be specified in such Notice, which Day shall be at an Interval of not less than Six Weeks nor more than Two Months from the First Publication of such Advertisement.

Revised
List of Debts
to be made
up.

51. Within Twenty-one Days after the Day specified in the said 20 Notice, the Clerk shall, from the Statement made up by him as aforesaid, and the Claims and Vouchers which may be lodged with him, make up a full and complete revised List of all the Debts affecting or alleged to affect the Turnpike Roads and Statute Labour Roads included in such Trusts respectively, and the Tolls or Reve- 25 nues thereof, and the Interest due thereon, and the Names and Designations of the Creditors entitled or claiming to be entitled thereto, with such Notes or Observations on such Claims and Vouchers as he may think necessary.

Revised
List to be
open to
Inspection.

52. The List of Debts so revised shall, immediately on the 30 Expiry of the last-mentioned Period, be docketed and signed by the Clerk, and deposited in his Office; and Intimation of the same shall be made by special Advertisement; and the said Lists shall, for One Month after the First Publication of such Notice, be open to Inspection, free of Charge, by all Persons interested or claiming to 35 be interested therein.

CLAUSE B.
Creditors
may agree
with Trus-
tees as to
Amount
and Value of
Debts.

53. Any Creditor named in the said Lists may agree with the Trustees as to the Amount and Value of his Debt, and the Amount and Value so agreed on shall be held to be the Amount and Value of such Debt as ascertained and fixed under the Provisions of this 40 Act.

54. On

54. On the Expiration of One Month after the Publication of such Notice, the Clerk shall transmit the said Lists to the Accountant of the Court of Session for the Time being, (herein-after called the Accountant,) who is hereby authorized to inquire into the Affairs of such Trusts, and to ascertain and fix the Amount and Value of such Debts as herein-after provided.

PART III.
—
Lists to be transmitted to Accountant.

55. Before proceeding to inquire into the Affairs of any Trust, the Accountant shall give Notice of the Time and Place at which he is to hold any Sitting, other than adjourned Sittings, by special Advertisement, Fourteen Days at least before the Time appointed for holding any such Sitting, and shall also give Notice of such Sitting by Post to the Clerk; and the Clerk shall immediately on Receipt of such Notice give Intimation of the intended Sitting of the Accountant to each Creditor or alleged Creditor named in the said Lists, by a Registered Letter transmitted by Post to the last known Address in the United Kingdom of such Creditor, or to his known Agent in the United Kingdom; and the Accountant shall have Power to adjourn the Sittings from Time to Time and from Place to Place as he finds necessary.

Notice to be given when Accountant holds Sittings.

56. The Accountant shall make full Inquiry into the Revenue, Debts, Condition, and Circumstances of the several Turnpike or Statute Labour Trusts in the County, as the Case may be, and shall examine and ascertain the Amount, Nature, and Value of all Debts due or claimed to be due by or from the Trusts respectively, and shall inquire how much thereof consists of unpaid Interest, and for what Period such Interest shall be in arrear, and all such other Particulars respecting the Trusts as he shall deem necessary, in order to the Execution of the several Powers and Duties hereby vested in and imposed on him, and he shall require all Persons being or claiming to be Creditors of the Trusts respectively to state the Grounds of their respective Claims, and to produce before him the Bonds, Assignations, or other Vouchers (if any) on which such Claims are founded, and he shall be bound to hear all Parties who are interested in the said Debts or Roads, or who are or may become liable to contribute under the Provisions of this Act towards the Payment or Extinction of such Debts or the Interest thereon; and if it shall appear to the Accountant by the Books kept by the Clerk or Treasurer to any Trust, or by any other Evidence satisfactory to the Accountant, that any Person is a bonâ fide Creditor of such Trust, though his Name does not appear in the said List, the Accountant shall include such Person in the List of Creditors for the Amount of his Debt; and the Accountant is hereby empowered, by Summons or Writing under his Hand, to require the Attendance before him, at a Time and Place to be

Duties of Accountant.

PART III.

mentioned in such Summons or Writing, of any Trustee, Clerk, Treasurer, or other Officer of any Trust, or of any other Person whom he may think fit to examine upon any Question or Matter connected with or relating to the Execution of this Act, and may examine upon Oath any such Trustee, Clerk, Treasurer, or other 5 Officer, and may require the Production of any Books, Accounts, Maps, Plans, Acts of Parliament, and other Documents in anywise relating to any such Question or Matter; and the Accountant may allow to any Witness attending before him pursuant to any such Summons such Expenses as he may deem reasonable. 10

Trustees to represent those for whom they act.

57. All Trustees, Guardians, Tutors, and Curators acting for Persons in Minority or under any legal Incapacity may, with respect to the Valuation of Debts under this Act, represent the Persons for whom they act; and in any Proceedings relating to the Valuation of Debts it shall not be competent to object to the same 15 on the Ground of Want of previous Intimation to or Absence of any Creditor, or of any Trustee, Guardian, Tutor, or Curator of any Creditor; but, in the Case of any Creditor absent or unrepresented, the Sheriff, on a summary Application by the Accountant, may appoint a Person to attend to the Interest of such Creditor with 20 reference to such Valuation, and shall have Power to award Expenses in favour of the Person so appointed, to be paid by such Creditor.

Persons giving false Evidence to be guilty of Perjury.

58. Every Person who, being examined under the Authority of this Act by the Accountant, shall wilfully and corruptly give false 25 Evidence, shall be guilty of and shall incur the Pains of Perjury; and every Person who, being summoned as aforesaid, shall wilfully refuse or neglect to attend or to give Evidence, or refuse to produce any Books or Documents, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, in the Discretion of the 30 Sheriff to whom the Accountant shall report the same; which Penalty may be recovered by the Clerk, or by any District Clerk within the County, and the same shall be, by the Person receiving it, accounted for and applied towards defraying the Expenses of the Valuation in relation to which the Offence was committed. 35

Accountant to keep Record of Proceedings.

59. The Accountant shall make or cause to be made a full and particular Record in Writing of such of his Proceedings in the Execution of this Act as he shall deem necessary.

Accountant to value the Debts of Creditors.

60. So soon as the Accountant shall have ascertained all such Particulars as he shall deem necessary relating to any Trust, he shall 40 proceed to decide on the Claims of the several Creditors or Persons claiming to be Creditors of such Trust, and shall estimate and determine

determine the Value (if any) of the Principal or Capital and Interest of the Debts due or claimed by such Creditors respectively ; and in making such Valuation the Accountant shall take into account the Amount of the Revenue of the Trust, the Expense of Maintenance
5 and Management, and the State of Repair of the Roads, the Nature of the Security for such Debts prior to the Date of Adoption of this Act, irrespective of any personal or other collateral Obligation undertaken by Trustees or others, and generally the Accountant shall take into account every other Circumstance which may in
10 his Opinion affect, limit, or reduce the Value of such Security or Debts, or which, from the future Prospects of the Trust, might be reasonably expected to enhance the same if this Act had not been passed.

61. Where any County is divided into Districts, and the Com-
15 missioners of Supply have determined that the Debts shall be allocated on the Districts, the Accountant shall fix and determine the Proportion in which the Debts affecting the Roads in the County shall be allocated on each District.

Accountant
to allocate
Debts on
Districts.

62. Where any Trust includes a Turnpike Road or Roads, or
20 Portions thereof, locally situate in Two or more Counties in Scotland, the Accountant shall fix and determine the Proportions in which the Debts affecting such Roads shall be made chargeable upon the Portions of such Roads situate within such Counties respectively ; and where any such Turnpike Road is situate
25 partly in England, he shall fix and determine the Proportion of the Debt affecting such Road chargeable upon the Portions of Road within the County or Counties in England in which the same is situate, and his Award and Apportionment shall be as binding as if such Counties were in Scotland.

Debts on
Roads in
Two or
more Coun-
ties to be
allocated.

63. Where any Trust includes a Turnpike Road, or Portions
30 thereof, locally situate partly within the landward Part of any County and partly within the Boundaries of any Burgh in which Parts Third, Fifth, and Seventh of this Act have been adopted, the Debt of such Trust, as valued and ascertained under the Provisions
35 of this Act, shall be allocated and charged on the Portions of such Road situate in the Burgh and in the landward Part of the County respectively in the Proportion which the Extent in Mileage of such Road within the Burgh bears to the Extent in Mileage of such Road in the landward Part of the County ; and the Accountant shall fix
40 and determine the Sums which, according to that Proportion, are chargeable upon the Portions of such Roads situate within the Burgh and within the landward Part of the County respectively.

Debts to be
allocated
between
Landward
Parts of
Counties and
Burghs.

PART III.
 Accountant
 to issue an
 Award.

64. As soon as the Accountant shall have completed the Valuation of the Debts of each Trust, and shall in the Cases above mentioned have fixed the Proportions chargeable upon the Districts or Portions of Road situate within the several Counties and Burghs respectively, he shall issue an Award in Writing under his Hand, and shall specify therein the Names of all such Persons as he shall have determined to be entitled to any Monies in respect of Principal or Interest, as Creditors of such Trust, together with the Sums to which such Persons shall be respectively entitled, according to the Value of their respective Debts, distinguishing in the Cases above mentioned the Proportions thereof chargeable upon the Districts or Portions of Road within each County and Burgh respectively, and shall also specify therein the Names of the Creditors to whom no Sum shall have been found due, and the Debts to which no Value has been assigned, and the Accountant shall forthwith deliver his Award to the Clerk, who shall cause the same to be recorded in the Sheriff Court Books of the County or Counties in which the Roads included in the Trust are situate; and the Clerk shall, within Three Days from the Delivery of such Award, give Notice in Writing to the several Persons therein specified as Creditors of such Trust, or to the Representatives or Agents of such Persons, of the Sums thereby awarded to them respectively; and the Accountant shall farther specify in his Award, or in a separate Award to be issued by him, the Proportion of the Debt of each Trust which he determines to be chargeable as aforesaid on the Portions of Road within the several Burghs in each County and within the landward Part of such County respectively.

Supple-
 mental
 Awards may
 be issued.

65. If it shall appear to the Accountant, after any such Award shall have been made by him, that any Debts have been omitted, or if any Claims shall thereafter be made in respect of Debts not included in such Award, it shall be lawful for the Accountant to supply such Omission, and on sufficient Cause shown to entertain such Claims, on such Terms and Conditions, with reference to the Circumstances of the Case, as he shall think just and reasonable, and to make and issue supplemental Awards in relation thereto, which supplemental Awards shall be held to be Part of his original Award; and the Creditors included in such supplemental Awards shall for all the Purposes of this Act be considered as included in such original Award: Provided always, that all Parties omitting to claim within Six Months after the Date of such original Award shall be thereafter finally debarred and excluded from any further Claim or other Proceeding with respect to any such Debt; Provided also, that no such Award or supplemental Award shall prejudice or affect any personal or other collateral Security which may be held for any Debts specified therein.

66. The

- 66.** The Debts of each Trust so valued shall remain Charges against the same Roads and the Revenues thereof as the Debts for which they are commuted; and all Debts not included in the Award or in any supplemental Award of the Accountant, or to which no Value has been assigned by him, shall be held as discharged and extinguished, and no Claim shall thereafter be competent in respect thereof, on or against the said Roads or the Revenues thereof: Provided that when the Proportion of Debt of any Trust allocated upon any District or Portion of Road within a County or Burgh shall be paid under this Act, the Security for the Remainder of the Debt of such Trust, valued and allocated as aforesaid, shall be restricted to the Districts or Portions of Road included in such Trust and the Revenues thereof which have not so paid the Debt allocated upon them.
- 67.** The Accountant shall subscribe and deliver to each Creditor named in his Award a Certificate or Certificates in the Form or as nearly as may be in the Form No. 1. of Schedule (A.) to this Act annexed; and each Certificate shall be entered in a Register thereof to be kept by the Clerk, and shall be conclusive Evidence of the Right of such Creditor to the said Debt, and may be transferred by such Creditor, or any other Person having Right thereto for the Time being, by an Indorsation in the Form or as nearly as may be in the Form No. 2. of the said Schedule (A.), which Transfer shall be entered in the said Register; and the Person in whose Favour such Indorsation is made shall acquire thereby the whole Rights in regard to such Debt of the Creditor in whose Favour such Certificate was originally granted.
- 68.** The Accountant shall make up an Account of the Expenses incurred and disbursed by him in regard to the Ascertainment and Valuation of the Debts of each County, including reasonable and proper Remuneration for his own Services; and after the Debts in any County are ascertained and valued, and the Award or Awards of the Accountant are delivered, as before provided, he shall fix and determine the Amount of the Expenses of the Valuation, and shall allocate a Proportion thereof upon the landward Part of such County, and the Burghs within the same respectively, and shall intimate such Allocation to the Clerk: Provided that if any Question or Difference shall arise with respect to the Amount of the Remuneration or Expenses charged by the Accountant for his Services, the Amount of such Remuneration and Expenses shall be ascertained and fixed by the Auditor of the Court of Session, on the Application of the Accountant, or of the Commissioners of Supply of any County, or the Town Council of any Burgh.

PART III.

Debts as
valued to
remain
Charges.

Accountant
to grant
Certificate
of Debt
to Creditors.

Accountant
to keep
Account of
Expenses,
and allocate
the same.

PART III.

Clerk to intimate allocated Debt to Commissioners of Supply and Town Council, and Assessment for Expenses to be imposed.

69. On the Receipt of the Report and Allocation by the Accountant, the Clerk shall intimate to the Convener of the County and to the Chief Magistrate of each Burgh the respective Amounts of Debt and of Expenses allocated on the landward Part of the County and on each Burgh; and the Commissioners of Supply for the County shall, within Twelve Months from the Date of such Intimation, and they are hereby empowered, to impose and levy an Assessment on and from the Owners of the whole Lands and Heritages in such County, excluding the Burghs therein, and the Town Council of each Burgh shall, within the like Period, and they are hereby 10 empowered, to impose and levy an Assessment on and from the Occupiers of the whole Lands and Heritages in such Burgh, at such Rates respectively as shall be sufficient to provide for the Payment of the Expenses so allocated on the landward Part of the County and the Burghs therein respectively, together with such farther 15 Sum as may be necessary to cover the Expense of Assessment and Collection: Provided that such Assessments may, in the Option of the Commissioners of Supply in any County, be levied along with and as a Part of and in addition to the Assessment for Rogue Money in such County, and, in the Option of the Town Council 20 of any Burgh, be imposed and levied along with and as Part of and in addition to any other Assessment which such Magistrates and Town Council are by Law authorized to impose and levy in such Burgh.

Commissioners of Supply may resolve to pay off Debt.

70. The Commissioners of Supply of any County may at any 25 Special Meeting held for the Purpose, called by the Convener, on the Requisition of any Six Commissioners of Supply, after Notice by special Advertisement of the Object of such Meeting Six Weeks previous thereto, resolve, by a Majority of not less than Two Thirds of the Commissioners of Supply who are present at such Meeting, 30 that the Debts affecting either the Turnpike Roads or Statute Labour Roads in such County, or both Classes of Debts, valued and allocated under the Provisions of this Act, shall be paid in manner herein-after provided.

Town Council may resolve to pay off Debt.

71. The Town Council of any Burgh may, at any Special Meet- 35 ing held for the Purpose, after Notice by special Advertisement Three Weeks previous thereto, resolve that the Debts affecting either the Turnpike Roads or Statute Labour Roads in such Burgh, or both Classes of Debts, valued and allocated under the Provisions of this Act, shall be paid in manner herein-after provided. 40

Commissioners of Supply and

72. After such Resolution has been adopted by the Commissioners of Supply of any County, it shall be lawful for them and they

PART III.

Town Council may impose Assessments to pay off Debt and Interest.

- they are hereby required to impose and levy annually an Assessment on and from the Proprietors of the whole Lands and Heritages in such County, or in any District thereof, as the Case may be, excluding any Burgh in which Parts Third, Fifth and Seventh of this Act have been adopted, and after such Resolution has been adopted by the Town Council of any Burgh it shall be lawful for them, and they are hereby required, to impose and levy annually an Assessment on and from the Tenants or Occupiers of the whole Lands and Heritages in such Burgh, at such Rate or Rates, in the Case of such County or District and Burgh respectively, as shall be sufficient to provide a Sum equal to not less than One Thirtieth Part of the Principal of the Debts valued and allocated on the Roads or Portions of Road situate within the landward Part of such County or District and the Burghs therein respectively; and it shall be lawful for the said Commissioners of Supply and Town Council respectively and they are hereby required, to impose and levy annually an Assessment on the whole Lands and Heritages in such County or District and Burgh respectively at such Rate or Rates in the Case of such County or District and Burgh respectively as shall be sufficient to provide the Sum required to pay the yearly Interest on such respective Debts, or the Balance thereof from Time to Time remaining due, at a Rate not exceeding Five Pounds per Centum per Annum; and as regards such County or District such last-mentioned Assessment shall be levied and paid in equal Proportions, one Half by the Proprietors and the other Half by the Tenants or Occupiers of the Lands and Heritages on which such Assessment is imposed; and as regards such Burgh such last-mentioned Assessment shall be levied and paid by the Tenants or Occupiers of the Lands and Heritages on which such Assessment is imposed.
73. The Commissioners of Supply of any County or the Town Council of any Burgh may require from any Creditor at any Term of Whitsunday or Martinmas, on Three Months previous Notice, an Assignment or Discharge of his Debt valued and allocated under the Provisions of this Act, on Payment to such Creditor of the whole of such Debt or of such Balance thereof as may remain due.

Creditors to grant Assignations or Discharges of Debts.

74. In case any Sum payable in respect of such Debt or Interest shall remain in the Hands of the Commissioners of Supply of any County or the Town Council of any Burgh unclaimed by the Persons entitled thereto, for the Period of Three Months after the Term of Whitsunday or Martinmas at which the same respectively becomes payable, the Commissioners of Supply and Town Council shall respectively be exonerated and discharged, in so far as respects such Sum, by Consignation thereof, in the Name of the Persons

Unclaimed Instalments to be consigned.

PART III. entitled thereto, in any Bank incorporated by Act of Parliament or Royal Charter.

Commis-
sioners of
Supply and
Town
Council
may borrow
on Security
of Assess-
ments.

75. It shall be lawful for the Commissioners of Supply of any County or the Town Council of any Burgh respectively to borrow, on the Security of the Assessments for the Payment of Debts to be levied under this Act within such County or District or Burgh respectively, all or any Monies required in such County or District or Burgh for the Purpose of paying off the whole or any Part of the Debts to be valued and allocated as aforesaid; and such Monies may be borrowed at any Rate of Interest not exceeding Five Pounds per Centum per Annum; and every such Security may be by Assignment in the Form No. 1 of the Schedule (B.) to this Act annexed, or to the like Effect, and shall be duly executed, if signed, in the Case of Monies borrowed by the Commissioners of Supply, by the Convener of the County and the Clerk of Supply, and in case of Monies borrowed by the Town Council of any Burgh, by the Chief Magistrate and the Town Clerk, or Person acting as Town Clerk of such Burgh; and every such Assignment in Security shall be effectual for securing to the Person advancing the Sum of Money therein expressed to be advanced, and to his Heirs, Executors, and Assignees, the Repayment thereof, with Interest for the same, after such Rate and at such Time and in such Manner as shall be provided in such Assignment in Security; and the said Assignations in Security shall be numbered in the Order in which they are granted, and shall be entered by the said Clerk of Supply or Town Clerk respectively, as the Case may be, in a Book to be called the "Register of Road and Bridge Debt Securities," to be kept by them for that Purpose; and every such Assignment in Security, and the Monies secured thereby, shall be Personal Property, and may be validly transferred by an Indorsation on such Assignment in Security, by the Person entitled thereto for the Time being, of a Transfer in the Form No. 2. of the Schedule (B.) to this Act annexed; and the Persons in right of such Assignations in Security shall be Creditors upon the Assessments thereby expressed to be assigned in Security, *pari passu* without any Preference or Priority in respect of the Date of granting the same.

Commis-
sioners of
Supply and
Town
Council
may borrow
from Public
Loan Com-
missioners.

76. It shall be lawful for the Commissioners of Supply of any County, or for the Town Council of any Burgh, to make Application to the Commissioners acting in the Execution of the Public Act, Fourteenth and Fifteenth Victoria, Chapter Twenty-three, and any Act or Acts amending or continuing the same, for a Loan or Advance on the Security of the said Assessments respectively

tively of any Sum for the Purposes of this Act; and the said last-mentioned Commissioners are hereby empowered, if they think fit, to make such Loan or Advance on the Security of the said Assessments, and to take any such Assignment in Security as
5 aforesaid.

PART III.

77. The Commissioners of Supply of any County, and the Town Council of any Burgh, by whom any such Assignment in Security as aforesaid shall have been granted, shall annually make Payment to the Creditors therein, out of the Assessments
10 levied by them for that Purpose, of Interest at a Rate not exceeding Five Pounds per Centum per Annum on the Sums contained in any such Assignment in Security, and also of such farther Sum to account of the Principal Sum contained in such Assignment in Security as will extinguish the same within the Currency of the
15 Assessments for Extinction of Debt to be levied under the Authority of this Act; and the said Commissioners of Supply and Town Council may, by Agreement with the Persons advancing any Money as aforesaid, determine the Order of Priority in which the several Sums advanced shall be respectively discharged; and the
20 said Commissioners of Supply and Town Council so borrowing any Monies are hereby required to keep an exact and regular Account of all Receipts and Payments in respect of Principal Monies borrowed as aforesaid, and the Interest thereof, in a Book or Books separate and apart from all other Accounts.

Loans to be repaid out of Assessments imposed under this Act.

78. No Person lending any Money as aforesaid, and taking an Assignment in Security for Repayment thereof, granted under the Authority of this Act, and executed as herein-before provided, shall be bound to require Proof that the several Provisions of this Act have been duly complied with; and it shall not be competent to
25 any Ratepayer or other Person to question the Validity of any such Assignment in Security on the Ground that such Provisions have not been complied with.

Provision for Protection of Lenders on Security of Assessments.

PART IV.

PART IV.

CONSOLIDATION OF TURNPIKE TRUSTS AND LEVYING OF TOLLS.

79. The Commissioners of Supply of any County may at any Special Meeting to be called as herein-before provided, and with the Consent previously obtained of Two Thirds of the Trustees appointed and acting under each Local Turnpike Road Act relating to the County, resolve that the whole Turnpike Road Trusts in the
35 [165.] D County

Turnpike Road Trusts may be united into One Trust for the County.

PART IV.

County shall be united and consolidated; and from and after the Date of Adoption of such Resolution the whole Turnpike Roads in the County shall be united into One Trust, subject to the Debts, Liabilities, and Obligations of the Trustees under each Local Turnpike Road Act; and all the Trustees appointed and acting 5 under each Local Turnpike Road Act relating to the County shall be entitled to act as Trustees of such united and consolidated Trust; and the said Turnpike Roads shall be managed and maintained by the said Trustees where the County is not divided into Districts, or by District Trustees to be appointed by the said 10 Trustees where the County is divided into Districts; and all Provisions in any Local Acts relating to the Turnpike Roads in the County shall, subject to the Provisions of this Act with respect to the Repeal of Acts, be repealed, so far as inconsistent with this Enactment, and so far as may be necessary to give effect thereto. 15

Provision
for uniform
Tolls.

80. The Surveyor shall make an annual Report on the Condition of the Turnpike Roads within the County, or within each District where the County is divided into Districts, and a Specification of Works contemplated in connexion therewith, and an Estimate of the Sums required for the Purposes thereof, within the County or within 20 each District, for the Year to which such Report applies; and it shall be lawful for the Trustees to continue or re-adjust the Position of the existing Toll Bars over the different Turnpike Roads in the County, or to alter their Number; and, subject to the Provisions of the General Turnpike Act, First and Second William the Fourth, 25 Chapter Forty-three, it shall be lawful for the Trustees to demand and take, at every Toll Bar within the County, any Tolls not exceeding the Tolls specified in the Schedule (C.) to this Act annexed, and to vary the said Tolls from Time to Time as they think fit: Provided that such Tolls shall at all Times be levied at a 30 uniform Rate at every Toll Bar within the County.

Toll to be
paid once
only within
a Distance
of Six Miles.

81. It shall not be lawful to demand or take Payment of Toll, under the Authority of this Act, from the same Person, twice within a Distance of Six Miles, measuring along the Road, within the same County; and the Trustees shall cause to be put up at each 35 Toll Bar a printed or painted Schedule or Table containing the Name of the Toll Bar, with a List of the Tolls payable thereat, and also the Name of every other Toll Bar which shall be cleared by Payment of Toll at such Toll Bar; and in the event of any Toll Bar being situate within a less Distance than Six Miles of any other 40 Toll Bar within the same County, the Trustees shall provide for every such Toll Bar Tickets denoting the Payment of Toll, and mentioning the whole Toll Bars within such Distance; and One of such

such Tickets shall be delivered to the Person paying the Toll, and which shall also have printed or written thereon the Day of the Month on which the same is delivered; and on the Production of such Ticket at any Toll Bar cleared by the Payment of the Toll at the Toll Bar where such Ticket was delivered on the same Day, the Persons producing the same shall pass through such other Toll Bar without paying any additional Toll.

PART IV.

82. The net Revenues arising from the Tolls levied at the whole Toll Bars within the County, after Deduction of the Expenses of letting and collecting the Tolls, and any other Expenses incidental thereto, shall form One common Fund for the Maintenance and Repair of all the Turnpike Roads within the County, subject to such Provision in regard to the Payment of the Interest of Debt as the Trustees may direct; and where the County is divided into Districts such net Revenues shall be allocated by the Trustees among the various District Trustees, for the Maintenance and Repairs of the Turnpike Roads within their respective Districts.

Application
of Revenues
from Tolls.

PART V.

PART V.

MAINTENANCE OF ROADS BY ASSESSMENTS.

83. The Provisions of this Act with respect to the Abolition of Statute Labour and levying of Assessments on Lands and Heritages, or with respect to the Abolition of Tolls and levying of Assessments on Lands and Heritages, shall not come into operation or be in force in any County or Burgh unless and until the Debts affecting the Statute Labour Roads in the Case of Abolition of Statute Labour, and the Debts affecting the Turnpike Roads in the Case of Abolition of Tolls, have been valued and ascertained, and Provision has been made for Payment of such Debts, as specified in this Act.

As to
Adoption of
Provisions
for Aboli-
tion of
Statute
Labour and
Tolls.

SECTION 1.—*Abolition of Statute Labour and levying of Assessments on Lands and Heritages.*

84. From and after the Fifteenth Day of May next following the Date of Adoption in any County or Burgh of the Provisions of this Act with respect to the Maintenance of Highways by Assessments on Lands and Heritages, all Statute Labour Service, and Payments of Money by way of Conversion thereof, and all Assessments theretofore leviable for the Maintenance of Bridges within such County, shall cease and determine, and such Statute Labour Service, Payments and Assessments, shall be and are hereby abolished, except in so far as such Statute Labour Service, Pay-

Statute
Service and
Conversion
and Bridge
Money to be
abolished.

PART V. ments or Assessments, may at that Date have been imposed or may
 — have become due.'

Surveyor to
report on
Condition of
Roads and
Highways,
and estimate
Sums re-
quired for
the Purposes
of High-
ways.

85. The Surveyor shall, within Six Months after his Appoint-
 ment under this Act, make up and deliver to the Clerk of the
 Trustees, or, where the County is divided into Districts, to the 5
 Clerks of the District Trustees respectively, a Report of the Con-
 dition of the Highways within each County or District, a Specifi-
 cation of Works contemplated in connexion therewith, and an
 Estimate of the Sums required for the Purposes of the Highways
 within each District for the Year from the Fifteenth Day of May 10
 immediately following the Date of Adoption of this Act to the
 Fifteenth Day of May in the Year succeeding; and the Surveyor
 shall in like Manner make up and deliver to the Clerk of the
 Trustees and the Clerk of the District Trustees respectively a
 similar Report and Specification and Estimate for each succeeding 15
 Year; and where the County is divided into Districts the District
 Trustees shall, within Fourteen Days after the Receipt thereof,
 consider such Report and Estimates, and shall report the same,
 along with the Amount required to be expended on such Highways,
 to the Trustees, not later than One Month prior to the Annual 20
 Meeting of the Trustees.

Trustees to
meet and
consider
Reports of
District
Trustees.

86. The Trustees shall hold an Annual Meeting, on such Day
 as they may fix, for the Purpose of considering the Reports, Speci-
 fications, and Estimates of the Surveyor, and the Reports of the
 District Trustees, and shall consider and review the same; but it 25
 shall not be competent to alter or reverse any Report or Resolution
 of any District Trustees, except by the Votes of Two Thirds of the
 Trustees present at such Meeting.

Assessment
for Main-
tenance of
Highways.

87. Where a County is not divided into Districts, or where the
 Commissioners of Supply have determined, in the Case of a County 30
 which is divided into Districts, that Assessments shall be levied at
 a uniform Rate on the whole County, it shall be lawful for the
 Trustees to impose and levy an Assessment on the whole Lands and
 Heritages in the County, (exclusive of any Burgh in which Parts
 Third, Fifth, and Seventh of this Act have been adopted,) at such 35
 Rate as shall produce the required Amount for the County, including
 Expenses of Assessment and Collection, and Arrears of preceding
 Years; and when a County is divided into Districts, and the Com-
 missioners of Supply have determined that separate Assessments
 shall be levied in each District, it shall be lawful for the Trustees 40
 to impose and levy an Assessment on the whole Lands and
 Heritages in each District, (exclusive of any Burgh in which Parts
 Third, Fifth, and Seventh of this Act have been adopted,) at such
 Rate

Rate as shall produce the Amount required in such District, including Expenses of Assessment and Collection, and Arrears of preceding Years. PART V.

88. If the County be divided into Districts, and any Bridge is situated partly in one District and partly in another; the Expense of maintaining or rebuilding such Bridge shall be borne in equal Moieties by the Districts in which such Bridge is situate, and the Assessments for Payment of such Expense shall be imposed and levied accordingly. Expense of maintaining Bridges partly situate in Two Districts.

89. If the County is not divided into Districts, the Assessments shall be applied and expended by and under the Direction of the Road Committee; and if the County be divided into Districts the Assessments levied in each District, or the Proportion of the general Assessments allocated to each District, as the Case may be, shall be applied and expended by the District Trustees for such District; and the Road Committee and the District Trustees respectively shall report a Statement of their Accounts for the preceding financial Year to the Annual General Meeting of the Trustees. Expenditure of Assessments.

SECTION 2.—*Abolition of Tolls and levying of Assessments.*

90. It shall be lawful for the Commissioners of Supply of any County at a Special Meeting to be called as herein provided, and of which Meeting and the Object thereof Notice shall be given by special Advertisement, to resolve, by the Votes of at least Two Thirds of the Commissioners of Supply who are present at such Special Meeting, that the Toll Bars on all or any of the Turnpike Roads within the County shall, from and after the Date to be specified in such Resolution, be removed, and that the Roads from which the Toll Bars are removed shall be Highways free of Toll, and that the Funds for the Maintenance and Repair of the said Roads shall thenceforth be raised by Assessment on the Lands and Heritages in the County or in the District in which such Roads are situate, or on Lands and Heritages in the County or in such District, and on Horses, as herein-after provided; and the Commissioners of Supply shall in such Resolution fix and determine the Limits of each such District for the Purposes aforesaid. Commissioners of Supply may resolve to abolish Tolls in the County.

91. From and after the Date to be specified in such Resolution, it shall be lawful for the Trustees to impose and levy Assessments for the Maintenance and Repair of the Roads from which the Toll Bars are removed, and which are declared to be Highways, on the Lands and Heritages in the County or in the District in which such Roads are situate, (exclusive of any Burgh in which Parts Third, [165.] D 3 Fifth,

Assessments to be levied for Maintenance and Repair of Roads.

PART V. Fifth, and Seventh of this Act have been adopted,) or on the Lands and Heritages in the County or in such District, (exclusive of any such Burgh,) and on Horses, as they may determine, in the same Manner in all respects as is herein-before provided with respect to Assessments for the Maintenance and Repair of the other 5 Highways in the County.

Provision
for Sale of
Toll Houses.

92. It shall be lawful for the Trustees, if and when they see fit, to sell or otherwise dispose of and to convey all or any of the Toll Houses and Sites thereof, and Lands, Gardens, Gates, Weighing Machines, and other Property appertaining thereto, by this Act 10 vested in the Trustees, in such Manner as they may think fit, and for the best Price that can be obtained; and the Proceeds of such Sales, and the Rents and Proceeds of such Property while the same remain unsold, shall be applied towards Payment of the Turnpike Road Debts, or, if such Debt, be paid off at the Time, 15 towards the other Purposes of this Act: Provided that before any such Toll House, or the Lands and Premises attached thereto, are sold, they shall respectively be offered in the first instance to the Proprietor of the adjoining Lands, and if such Proprietor choose to purchase the same the Price (unless the Trustees and such 20 Proprietor shall agree upon the same) shall be fixed by the Valuation of an Arbiter or Arbiters, to be mutually chosen by such Proprietor and the Trustees, and, in the Case of such Arbiters differing in opinion, of an Oversman, to be appointed by them; and the Expense of such Reference and Award shall be borne by 25 the Parties equally, unless the Arbiters, or, in case of Difference between them, the Oversman, shall otherwise determine.

SECTION 3.—*Assessments in Counties.*

Commis-
sioners of
Supply to
fix maxi-
mum Rate
of Assess-
ments.

93. The Commissioners of Supply of any County shall in any Resolution to adopt the Provisions of this Act with respect to the 30 Maintenance of Highways by Assessment, or with respect to the Abolition of Tolls and Maintenance of Turnpike Roads by Assessment, fix and determine the maximum Rate at which such Assessments shall be imposed on Lands and Heritages in the County or any District thereof, and it shall not be lawful for the 35 Trustees to impose and levy any Assessments for either of the said Purposes at a Rate higher than the maximum Rate fixed in such Resolution; and the Commissioners of Supply may from Time to Time resolve to vary and alter such maximum Rates at any Meeting or Meetings specially called for that Purpose; and Notice of such 40 Meetings, and the Intention to propose such Alteration of the maximum Rates shall be given by special Advertisement.

94. Where

PART V.

Extra Rates
on Mines,
Quarries,
and Public
Works in
certain
Cases.

94. Where in any County or District, (exclusive of any Burgh in which Parts Third, Fifth, and Seventh of this Act have been adopted,) the Lands and Heritages assessed under the Provisions of this Act for the Maintenance and Repair of Highways include
5 any Mines, Quarries, Works, or Premises in which any Trade or Manufacture is carried on, the Trustees or District Trustees may present a summary Application to the Sheriff, accompanied by a Certificate by the County Road Surveyor, to the Effect after mentioned, such Certificate and Application setting forth that the Injury
10 to the Highways, or to any Portion thereof, within such County or District, by the Traffic arising from any such Mine, Quarry, Work, or Premises, exceeds double, Three Times, or Four Times (as the Case may be) the Amount of Assessment imposed at the ordinary Rates for Maintenance and Repair of Highways in such County
15 or District, and praying for the Remedy after provided; and the Sheriff shall direct Intimation of such Application to be given to the Person or Persons liable to be assessed in respect of such Lands and Heritages, and upon hearing Parties (if they desire to be heard), and after such Inquiry as in the Circumstances he may
20 consider necessary, he shall decide on such Petition, and shall find whether the alleged Damage exceeds double, Three Times, or Four Times (as the Case may be) the Amount of ordinary Rating as aforesaid; and such Deliverance shall be final, and not subject to Review; and the Sheriff may award Expenses to either Party in
25 such Application, and find either Party liable therein, and decern accordingly: Provided that it shall not be competent to assess for any Damage exceeding in Amount Four Times the ordinary Rating as aforesaid.

95. Any such Mine, Quarry, Work, or Premises so assessed at
30 such additional Rate, shall remain subject to the same in each succeeding Year, until relieved thereof as herein-after provided; and the Sheriff, on a summary Application for Relief by the Owner or Tenant or Occupier of the same, shall appoint Intimation to the County Road Surveyor, and shall, if he see Cause, hear Parties,
35 and take all other Proceedings competent in the Case of any Application by the Trustees or District Trustees, to have such additional Rate imposed; and his Deliverance thereon shall be final, and not subject to Review, and an Extract thereof furnished to the County Collector shall be a sufficient Warrant to him to deduct and
40 discontinue the Levy of such additional Rates to the Extent and in the Terms of the Deliverance of the Sheriff.

Power to
reduce such
extra Rates.

96. All detached Parts of Counties shall, for the Purposes of this Act, be considered as forming Part of that County by which they
[165.]

Detached
Parts of
Counties to
are

PART V. are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary; and it shall be lawful for the Sheriff of the County by which any detached Part of another County is so surrounded to act as Sheriff in all things whatsoever relating to the Provisions of this Act concerning such detached Part, and all the Provisions of this Act in regard to the Qualification and Appointment of Trustees, and to their Rights, Powers, Privileges, Liabilities, and Immunities, shall apply to such detached Part of a County as if it were an integral Part of the County by which it is surrounded or partly surrounded as aforesaid, and the Trustees, District Trustees, and whole Officers and Servants thereof shall have the same Powers in the Execution of their Duties over such detached Parts of a County as they have over the County by which it is surrounded or partly surrounded.

form Part of
the County
by which
they are
surrounded.

15

97. In imposing and levying any Assessment for the Purposes of this Act, the Trustees shall include all such detached Parts of other Counties in the Assessment for the County by which they are so surrounded, and they shall exclude from any such Assessment all such detached Parts of their own County.

Assessment
of detached
Parts of
Counties.

20

98. All Assessments imposed under the Authority of this Act for the Maintenance and Repair of Highways in any County or District shall be levied and paid in either of the following Modes, as may be determined by the Commissioners of Supply in their Resolution to adopt this Part and Section of this Act; that is to say,—
First, An Assessment of Twopence in the Pound on the yearly Rent or Value of the Lands and Heritages in the County or in the District, as the Case may be, to be levied on and paid by the Tenants or Occupiers of such Lands and Heritages in lieu of Statute Labour Conversion Money, and an Assessment for such further Sum as may be required for the Maintenance and Repair of the Highways, to be levied and paid in equal Proportions, one Half on and by the Proprietor and the other Half on and by the Tenant or Occupier of such Lands and Heritages; or, Second, An Assessment, to be levied and paid in equal Proportions, one Half on and by the Proprietor and the other Half on and by the Tenant or Occupier of the Lands and Heritages in the County or in the District, as the Case may be.

Assessments
for Main-
tenance and
Repair of
Highways.

99. Where the Name of the Tenant or Occupier is not set forth in the Valuation Roll applicable to any Lands and Heritages on which any Assessment is imposed under the Authority of this Act, or where the annual Value of such Lands and Heritages is in the Valuation Roll stated to be less than Four Pounds, the whole of the

Assessments
in certain
Cases to be
paid by Pro-
prietors.

40

the Assessment imposed on such Lands and Heritages shall be levied on and paid by the Proprietor. PART V.
—

100. All Assessments imposed under the Authority of this Act may, with the Exceptions specified in the immediately preceding
5 Section, be levied on and recovered from the Tenant or Occupier of the Lands and Heritages assessed, but such Tenant or Occupier shall be entitled to deduct the Sum paid by him beyond the Proportion for which he is liable from the first Rent payable to the Proprietor of the Lands and Heritages assessed : Provided that this
10 Enactment shall not prejudice or affect any Obligations under Leases existing at the Date of Adoption of this Act.

Tenants to pay Assessments, and deduct Proprietor's Proportion from their Rents.

101. The Trustees may, on the Ground of the Poverty or Inability to pay of any Person liable in any Assessment under this Act, remit Payment of such Assessment by such Person, in whole or in part, as
15 the Trustees shall in their Discretion think just and reasonable ; but no such Remission shall be made on any other Ground whatsoever.

Trustees may grant Relief from Assessments on the Ground of Poverty.

102. All Assessments imposed under the Authority of this Act shall be deemed and taken to be for the Year from the Fifteenth Day of May preceding the Date of imposing the same, and shall be
20 imposed according to the Valuation of the Lands and Heritages in the Valuation Roll in force for the Year in which such Assessment is made, and shall be made payable on or before the First Day of January then next ensuing, and the Trustees shall fix a Day, not being less than Fourteen Days preceding the Day on which such
25 Assessment is payable, on or before which such Appeals by any Parties complaining that they have been improperly assessed may be lodged with the Clerk, and another Day on which such Appeals may be heard ; and all such Appeals shall be heard and determined by the Trustees at Meetings to be held by them for that Purpose,
30 and their Determination thereon shall be final.

Mode of making Assessments.

SECTION 4.—*Assessments in Burghs.*

103. All Assessments imposed under the Authority of this Act by the Town Council of any Burgh to whom any Roads or Highways are transferred under the Provisions of this Act, for the
35 Maintenance and Repair of such Roads and Highways, shall be levied and paid by the Tenants or Occupiers of the Lands and Heritages within the Burgh as entered in the Valuation Roll, and such Assessments may be imposed, levied, and recovered separately under the Provisions of this Act, or along with and in addition to
40 and as Part of any any other Assessment which the Town Council

Assessments for Roads and Highways in Burghs.

PART V. are by Law authorized to impose and levy for the Maintenance and Repair of Streets, Roads, or Highways within the Burgh.

Burghs
may apply
Funds
towards
Maintenance
of Roads.

104. When in any Burgh there shall be Funds available, and which may be lawfully applied by the Town Council for the Maintenance of Streets, Roads, or Highways therein under their Management and Control, the Town Council may apply such Funds for such Purposes in aid of the Assessment authorized to be imposed by this Act, or, if such Funds shall be sufficient for such Purposes, the whole or such Part thereof as may be necessary may be so applied, instead of levying an Assessment under the Provisions of this Act. 5 10

SECTION 5.—*Recovery of Assessments.*

Assessment
Rolls to be
made up.

105. The Clerk to the Trustees and the Town Clerk of any Burgh respectively shall make up Assessment Rolls according to the Valuation Roll, in which shall be set forth the Names of the Persons in the County and Burgh respectively liable for the Assessment imposed, and the Sums payable by them respectively, and the gross Amount of such Assessment; and such Assessment Roll for the County shall be signed by the Clerk and by Two Trustees; and such Assessment for the Burgh shall be signed by the Provost or Chief Magistrate and Town Clerk; and such Assessment Rolls shall thereafter remain in the Office of the Collector, open to the Inspection of all Persons interested, at all reasonable Times, without Fee or Reward; and any Omissions in such Assessment Roll may be supplied by means of a supplemental Roll. 15 20 25

Mode of
making up
Assessment
Rolls.

106. In making up such Assessment Rolls, the Assessment for Payment of Road Debts and Interest, the Assessment for Maintenance, Repair, and Management of Highways, the Assessment for Improvement of existing Highways, Roads, or Bridges, or for making new Roads or Bridges, and any other Assessment by this Act specially authorized, shall be separately distinguished. 30

Certified
Copies of
Valuation
Roll to be
delivered to
the Clerk.

107. To enable the Trustees and the County Road Clerk to make up the Assessment Rolls for the Purposes of this Act, the Clerk of Supply for the County, and the Town Clerk of every Burgh therein, shall, on Payment of such reasonable Fees as may, in case of Difference, be fixed by the Sheriff, and within Three Weeks after being so required in Writing by the County Road Clerk, deliver to him a Copy, certified under the Hand of such Clerk of Supply or Town Clerk, of the Valuation Roll in force for the Time within the County or such Burgh respectively; and such Copy may be either written or printed, or partly written and partly printed. 35 40

108. Public

PART V.

108. Public Notice shall be given by an Advertisement signed by the Clerk, and published in a local Newspaper, of the Rates of Assessment to be levied under the Authority of this Act on Proprietors and on Tenants or Occupiers respectively, distinguishing the
 5 Rates assessed for the several Purposes aforesaid; and such Notice shall state the Time or Times and Place or Places of Payment of the Assessments, and require Payment to be made to the Collector accordingly.

Notice of Assessment to be given.

109. No Assessment shall be imposed or levied under the Authority of this Act for or in respect of any House or Building, or
 10 Portion of a House or Building, exclusively used for Religious Worship or Charitable Purposes, or as a Schoolhouse, Reformatory, House of Refuge, Poor's House, Public Lunatic Asylum, Town House, Sheriff, Burgh, or Justice of the Peace Court House, Town
 15 or County Prison, Police Station or Lock-up House.

Exemption of public Buildings from Assessment.

110. If any Person shall fail to pay any Assessment due by him at the Time when the same is payable under the Provisions of this Act, the Collector, before taking any legal Proceedings for Recovery thereof, shall deliver, or forward through the Post Office, a Notice
 20 in Writing addressed to such Person, requiring him to make Payment of such Assessment within Seven Days after the Delivery of such Notice, or the Despatch of the same through the Post Office.

Notice of Assessment to be given to Defaulters before taking Proceedings for Recovery.

111. It shall be lawful for the Collector, in his own Name, but on behalf and at the Expense of the Trustees, to recover any
 25 Assessment or Arrears of Assessment due by any Person or Persons, either according to the ordinary Procedure before any competent Court, or by obtaining from the Sheriff a summary Warrant to recover the same, with the Addition of Ten per Centum thereon
 30 from the Person or Persons respectively liable in Payment of such Assessment, which Warrant the Sheriff shall grant, on Production of an Extract from the Assessment Roll, made up in pursuance of the Provisions of this Act, of the Entries therein relating to such Person or Persons, showing the Amount or respective Amounts
 35 due by him or them, and a Certificate by the Collector that he had given to such Person or to each of such Persons a Notice requiring him to make Payment of the Amount due by him within Seven Days after the Delivery or Despatch of such Notice, as hereinbefore provided, that the said Period had expired, and that the
 40 said Amount had not been paid, and was still due; and such Warrant shall authorize the Collector to cause any Officer of the Court to enter into the Premises of the Person or Persons named in such Extract, and to poind, seize, and remove or secure any Goods and Effects therein belonging to or in the lawful Possession

Recovery of Assessment under summary Warrant by Poinding and Sale.

PART V. of such Person or Persons, or so much thereof as will satisfy and pay the Amount or respective Amounts due by him or them respectively, with the Addition of Ten per Centum thereon in lieu of Costs, and shall also authorize the Collector, after the Lapse of Four Days, in the event of Nonpayment of the said Amount or 5
respective Amounts and Costs, to cause any Officer of Court or licensed Auctioneer to sell and dispose of the said Goods and Effects, and shall further authorize the Collector, on receiving Payment of the Price of the said Goods and Effects, to apply the same in Payment of the Amount or respective Amounts due by 10
such Person or Persons, and Addition of Ten per Centum thereon respectively.

Assessments
to be re-
mitted
within Six
Months.

112. The Persons charged with the levying and collecting of any Assessments under the Authority of this Act shall remit the same to the County Road Clerk, free of all Expense, and at the Risk of 15
the Remitters; and Interest at the Rate of Five Pounds per Centum per Annum shall be due and payable on any Portion of an Assessment which shall not be so remitted within Six Months after the Receipt thereof by the Person collecting such Assessment.

Monies to
be lodged in
Bank.

113. All Monies received by the Trustees or District Trustees, 20
under the Authority of this Act, shall, on Receipt thereof, be paid by the Person receiving the same on behalf of the Trustees or District Trustees into a Bank incorporated by Act of Parliament or Royal Charter, or Branch thereof, to be for that Purpose appointed by the Trustees or District Trustees. 25

Drafts on
Bank Ac-
count kept
by Trustees
or District
Trustees.

114. All Cheques or Drafts on the Bank Account kept by the Trustees or District Trustees shall be signed by the Clerk or District Clerk, and countersigned by One of the Trustees or District Trustees, as the Case may be, appointed for the Purpose; and the Clerk or District Clerk shall make no Drafts on such Accounts 30
for any other Purpose than the Payments which shall from Time to Time be authorized by the Trustees or District Trustees.

Accounts to
be audited.

115. The Accounts of the Trustees and District Trustees shall be audited annually by an Auditor appointed by the Trustees for that Purpose, and an Abstract of such Accounts shall be published by the 35
Trustees annually, at least Ten Days before each Annual General Meeting.

PART VI.

ASSESSMENTS ON HORSES.

PART VI.

Assessment
may be
levied on
Horses.

116. When the Commissioners of Supply of any County or the 40
Town Council of any Burgh have resolved to adopt this Part of this Act,

Act, and when, under the Provisions of this Act or of any Local Act relating to such County or Burgh, Tolls have been abolished in such County or Burgh, and Provision has been made for the Maintenance and Repair of the Roads therein by Assessments on Lands and Heritages, it shall be lawful for the Trustees appointed and acting under this Act or under any Local Act relating to such County, and for the Town Council of such Burgh respectively, to levy an Assessment on all Horses and Mules kept and used within the County or Burgh respectively, and assessed under any Revenue Act during the Year for which such Assessment is leviable, not exceeding the Rates specified in the Schedule (D.) to this Act annexed.

PART VI.

117. Her Majesty's Commissioners of Inland Revenue, when required by the Clerk to the Trustees under this Act or under any such Local Act, or the Town Clerk of any Burgh, shall furnish to him, on or before the First Day of December in each Year, a certified List showing the Number of Horses and Mules assessed under any Revenue Act within such County or Burgh, and the Parties liable for the same; and such List, certified by the Surveyor or Collector or other principal Officer or Officers of Inland Revenue within the County or Burgh, shall be sufficient Evidence of the Liability of the Persons mentioned therein; and such Surveyor, Collector, or other Officer shall be entitled to receive a Fee not exceeding Twenty Shillings for each such List furnished by him.

Commissioners of Inland Revenue to furnish Lists of assessed Horses.

118. The Assessments on Horses and Mules shall be deemed and taken to be for the Year from the Fifteenth Day of May preceding the Date of imposing the same, and may be levied and recovered on and from the Persons keeping and using the Horses and Mules, by the County Road Trustees or the Town Council of any Burgh in the same Manner as is herein provided with respect to the Recovery of Assessments on Lands and Heritages by this Act authorized to be levied, and by the Trustees appointed and acting under such Local Act in the same Manner as is therein provided with respect to the Recovery of the Assessments thereby authorized to be levied; and the Money received on account of the Assessments on Horses and Mules shall be applied towards defraying the Expense of the Maintenance and Repair of the Roads and Highways in such County or Burgh respectively.

Recovery and Application of Assessments on Horses.

PART VII.

MANAGEMENT OF ROADS.

PART VII.

119. From and after the Fifteenth Day of May next following the Date of Adoption of the Provisions of this Act with respect to the Maintenance and Repair of Highways by Assessment, the whole

Trustees to manage Highways.

PART VII. Highways and Highway Bridges within the County shall form One general Trust, and shall be managed and maintained by the County Road Trustees and the Road Committee; and all the Roads, Bridges, Lands, Buildings, Works, Rights, Interests, Monies, Property and Effects, Rights of Action, Claims and Demands, Powers, 5 Immunities, and Privileges whatsoever, except as herein-after provided, vested in or belonging to the Trustees of any Highway or Highway Bridges within the County, shall become and be, by virtue of this Act, transferred to and vested in the County Road Trustees, who shall be liable in all the Debts, Liabilities, Claims, and Demands 10 in which the Trustees of such Highways or Highway Bridges are or were liable under any Public or Local Act then in force, except in so far as such Debts, Liabilities, Claims, and Demands may, under the Provisions of this Act, be discharged or extinguished.

Trustees
to manage
Turnpike
Roads.

120. From and after the Fifteenth Day of May next following 15 the Date of Adoption of the Provisions of this Act with respect to the Maintenance of Turnpike Roads by Assessment, the whole Turnpike Roads within the County shall form One general Trust, and shall be managed and maintained by the County Road Trustees and the Road Committee; and all the Roads, Bridges, Lands, 20 Buildings, Works, Rights, Interests, Monies, Property and Effects, Rights of Action, Claims and Demands, Powers, Immunities, and Privileges whatsoever, except as herein-after provided, vested in or belonging to the Trustees of any Turnpike Roads within the County, shall become and be, by virtue of this Act, transferred to and vested 25 in the County Road Trustees, who shall be liable in all the Debts, Liabilities, Claims, and Demands in which the Trustees of such Turnpike Road are or were liable under any Public or Local Act then in force, except in so far as such Debts, Liabilities, Claims, and Demands may, under the Provisions of this Act, be discharged 30 or extinguished.

Trustees
may alter
Number
and Limits
of Districts.

121. The Trustees may at any Special Meeting, by the Votes of at least Two Thirds of the Trustees who are present at such Meeting, alter the Number or Limits of the Districts fixed by the Commissioners of Supply in their Resolution to adopt Parts of this Act: 35 Provided that Notice of the Intention to propose any such Alteration shall be given by special Advertisement and by Circular forwarded by Post to each Trustee at his last known or usual Address at least Two Months previous to such Special Meeting.

Management
of Roads
in more than
One County.

122. Notwithstanding any of the Provisions herein contained in 40 relation to the Management of Turnpike Roads and of the Revenues thereof, where any Trust embraces a Turnpike Road partly situate in more than One County, the Portion thereof within each such County shall be vested in and managed by the Trustees and Road Committee

Committee or District Trustees, if the Counties are divided into Districts, of the respective Counties in which such Portion is situate, except so far as regards any Portion of such Road which may be situate in a County which has not adopted the Provisions of this Act
5 in regard to the Maintenance of Turnpike Roads by Assessment; and where any County has not adopted the Provisions of this Act in regard to the Maintenance of Turnpike Roads by Assessment, or the Provisions relating to the Consolidation of Turnpike Trusts, the Portion of any such Turnpike Road situate therein shall continue
10 to be managed in the same Way as was heretofore in use prior to the passing of this Act; and the whole Assets of any such Trust shall, except as herein-after provided, be divided among the Trustees of the respective Counties, when they have each adopted any of the Parts of this Act, or, where One or more of them has not
15 adopted any of the Parts of this Act, among the Trustees continuing to manage the Portion of such Road within such County, and the Trustees of the County which has adopted any of the Parts of this Act, and the Burghs respectively situated therein, in the Proportion in which the Debt affecting such Turnpike Trust shall be
20 valued and allocated among such Counties and Burghs respectively, under the Provisions of this Act: Provided that all Works and Buildings belonging to any such Trust locally situate within any such County or Burgh shall remain the Property of the County or Burgh or of the Trust continuing to manage the Portion of the
25 Road within such County or Burgh, as the Case may be, within which such Buildings are situate.

123. The Road Committee or District Trustees, on a written Report from the Surveyor that it is necessary to shut up for a limited Period any Road or Highway within the County or District, for the Purpose of repairing the same, may from Time to Time
30 authorize the shutting up of such Road or Highway for such Period as they may deem necessary: Provided that Notice of the Intention so to shut up such Road or Highway shall be given by special Advertisement at least One Month before such Road or Highway
35 shall be so shut up.

Roads or Highways may be shut up for Repairs.

124. The Trustees may, on a written Report from any District Trustees, or from the Surveyor, resolve and declare at any Annual General Meeting that any Highway shall cease to be a Highway within the Meaning and for the Purposes of this Act, or that any
40 Parish or other Roads which, prior to the Date of Adoption of this Act, had not been maintained by Statute Labour, or out of the Payments of Money by way of Conversion thereof, shall be Highways within the Meaning and for the Purposes of this Act: Provided that Notice shall be given by the Clerk of the Intention to
45 make such Declaration by special Advertisement, and also by

On Declaration of Trustees Highways may cease to be such, and other Roads may become Highways.

PART VII.

printed Notices affixed to the Church Door of every Parish in which any Part of such Roads or Highways are situate at least One Month before the Date of the Meeting at which such Declaration is to be made.

Highways
ceasing to be
Highways
may be shut
up.

125. After a Highway has ceased to be a Highway the Trustees may, by the Votes of Two Thirds of the Trustees who are present at any Annual General Meeting, direct it to be shut up, and may sell or dispose of the Ground occupied by such Highway or any Part thereof, or may exchange the same with the Owner of any adjoining Land for any other Land they may require for the Purposes of a Highway : Provided that in the Case of a Sale of such Ground or any Part thereof the Trustees shall first offer the same to the Person or Persons whose Lands immediately adjoin thereto, and if such Person or Persons refuse to purchase the same, whether on account of the Price or otherwise, they shall proceed in the Manner directed by the Public Act, First and Second William the Fourth, Chapter Forty-three, in regard to the Sale and Disposal of Turnpike Roads, and the Price or Prices shall be applied towards the Expense of the Maintenance and Repair of any Highway or Highways within the County or within the District in which the Ground sold is situate.

Expense of
new Roads
and Bridges
to be paid
by the
Trustees
and Pro-
moters.

126. Where the Proprietors of Lands and Heritages in any County in which the Provisions of this Act have been adopted are desirous of forming a new Road or constructing a new Bridge, they may apply to the Trustees to sanction the same, and the Trustees may, at any General or Special Meeting, resolve that such new Road or Bridge shall be formed, and may require such Proprietors to provide such Proportion as the Trustees think fit of the Expense of such new Road or Bridge, as a Condition of the Formation and Construction of the same ; and the Expense of such Formation and Construction, so far as payable by the Trustees, shall be raised by an Assessment to be imposed and levied by the Trustees on the Proprietors of Lands and Heritages in the County or District within which such new Road or Bridge is situate, and such Assessment shall not extend over a longer Period than Ten Years : Provided that it shall not be lawful for any Trustee elected under the Provisions of this Act to vote at any Meeting of Trustees on any Question relating to the Formation of a new Road or the Construction of a new Bridge.

CLAUSE C.
Agreements
may be made
between
Town
Council and
Turnpike
Road
Trustees.

127. Where Parts Third, Fifth, and Seventh of this Act have been adopted in any Burgh, and none of the Parts or Sections of this Act have been adopted in the County in which such Burgh is situate, the Town Council and the Trustees acting under the Acts relating to any Turnpike Road which is situate partly in the Burgh and

and partly in the Landward Part of the County may enter into Agreements with respect to the Valuation and Ascertainment of the Debt on such Turnpike Road and the Proportions in which such Debt shall be allocated and charged on the Lands and Heritages situate in the Burgh and in the landward Part of the County respectively; and the Sums so agreed upon shall be held to be the Proportions of such Debt as valued and allocated under the Provisions and for the Purposes of this Act.

PART VII.

128. In the event of the Proportions of the Debt on such Turnpike Road to be charged on the Lands and Heritages situate in the Burgh and in the landward Part of the County respectively not being agreed on, the Clerk to the Trustees acting under the Acts relating to such Turnpike Road shall be bound, on receiving a Requisition in Writing to that Effect under the Hand of the Town Clerk of the Burgh, to take all such Proceedings before the Accountant as are herein-before provided for the Purpose of valuing and ascertaining the Debt on such Turnpike Road, and allocating the same on the Burgh and the landward Part of the County respectively; and all the Powers and Duties by this Act conferred and imposed on the Accountant and on the Clerk appointed and acting under this Act with respect to the Valuation and Ascertainment and Allocation of Debts shall and may in such Event be exercised by and be incumbent on the Accountant and the Clerk to the said Trustees with respect to the Valuation and Ascertainment and Allocation of the Debt on such Turnpike Road.

CLAUSE D.
Clerk to
Turnpike
Road Trust
to take Pro-
ceedings for
valuing
Debt.

129. From and after the Date of Adoption of Parts Third, Fifth, and Seventh of this Act in any Burgh, all the Roads, Bridges, Lands, Buildings, Works, Rights, Interests, Monies, Property and Effects, Rights of Action, Claims, Demands, Powers, Immunities and Privileges whatsoever, except as herein-after provided, vested in or belonging to the Trustees of any Highway or Highway Bridges within such Burgh shall become and be by virtue of this Act transferred to and vested in the Town Council of such Burgh, or in Cases where the Management and Control of the Roads and Streets in any such Burgh are, under the Provisions of any General or Local Police Act, vested in the Magistrates and Council or other Body as Commissioners of Police, then to and in such Commissioners of Police, and the Town Council or Commissioners of Police of such Burgh, as the Case may be, shall, subject to the Provisions of this Act, have the Management and Control of all the Roads, Highways, and Bridges situate therein, and shall and may exercise all the Rights, Powers, and Privileges of Trustees under this Act, with respect to such Roads, Highways, and Bridges, and may impose and levy

Town Coun-
cil or Com-
missioners
of Police
to manage
Roads and
Highways
within
Burghs.

PART VII. Assessments for the Maintenance thereof, and shall also have and may exercise and enforce, with respect to the making, Maintenance, and Repair of such Roads, Highways, and Bridges, the same Powers and Authorities which they respectively have or can exercise or enforce under any General or Local Act with reference to any Roads 5 or Streets within the Boundaries of the Burgh : Provided that where the Statute Labour Roads in any Burgh have, under the Provisions of any Local Act passed previous to the Adoption of this Act by such Burgh, been transferred to the Town Council or Commissioners of Police of such Burgh, the Provisions of such Local Act with 10 respect to the Formation and Maintenance of the Carriageway and Foot Pavements of the Roads transferred under the Provisions of such Local Act shall extend and be applicable to the Roads transferred to the Town Council or Commissioners of Police under the Provisions of this Act, in the same Manner and to the 15 same Effect as if such last-mentioned Roads had been transferred under the Provisions of such Local Act.

Trustees
and Town
Councils
may agree
as to Main-
tenance of
Roads.

130. The Trustees of any County in which Parts Third, Fifth, and Seventh of this Act have been adopted, or the Trustees acting under any Local Act relating to any Turnpike Road in any County 20 in which the said Parts of this Act have not been adopted, and the Town Council or Commissioners of Police of any Burgh situate therein in which Parts Third, Fifth, and Seventh of this Act have been adopted, may from Time to Time enter into Agreements with respect to the Removal or setting back of Toll Bars to such 25 Distance from the Boundaries of the Burgh as may be agreed on, and to the Maintenance and Repair of Roads within the Boundaries of the Burgh, or within any Parish in which the Burgh or any Part thereof is situate, on such Terms and Conditions and for such Periods as they think fit ; and failing such Agreement the 30 Trustees respectively and the Town Council or Commissioners of Police may submit and refer all or any of such Matters to Arbiters to be mutually chosen, or to an Oversman to be named by such Arbiters in case of their differing in Opinion ; and it shall be lawful for the Trustees and the Town Council or Commissioners of Police 35 to apply the Funds levied by them or under their Control respectively in and towards the Payment of such Sums as may be agreed to be paid or contributed by either of the said Parties to the other for the Maintenance and Repair of such Roads.

Assessment
for extra-
ordinary Re-
pairs.

131. It shall be lawful for the Trustees of any County and the 40 Town Council or Commissioners of Police of any Burgh to impose and levy an Assessment for extraordinary Repairs on Highways within such County or Burgh respectively on the Proprietors of Lands

Lands and Heritages in the landward Parts of the County or in the Burgh respectively in which such Highway is situate, and such Assessment shall not extend over a longer Period than Ten Years.

PART VII.

- 132.** It shall be lawful for the Trustees of any County to borrow Money to defray the Expense of the Formation of a new Road or the Construction of a new Bridge, and for the Trustees of any County or the Town Council or Commissioners of Police of any Burgh to borrow Money to defray the Expense of extraordinary Repairs on Highways, and in Security of the Repayment of the Money so borrowed and Interest thereof to assign the respective Assessments by this Act authorized to be levied for the several Purposes before specified.

CLAUSE E.
Power to borrow Money for new Roads and Bridges and extraordinary Repairs.

- 133.** Any Member of the Road Committee or any District Trustee or any other Person aggrieved by any Resolution or Proceeding of the Road Committee or of any District Trustees, may appeal therefrom to a General Meeting of the Trustees, on giving Notice of such Appeal, stating the Grounds thereof, to the Clerk to the Trustees in the Case of an Appeal from the Road Committee, or to the District Clerk in the Case of an Appeal from the District Trustees within Eight Days of the Date of the Meeting at which such Resolution or Proceeding was adopted; and the District Clerk shall forthwith transmit any such Notice of Appeal given to him, with a Copy of the Resolution or Proceeding appealed from, to the Clerk of the Trustees; and such Appeals respectively shall be submitted to the First General Meeting of the Trustees which shall be held Fourteen Days after such Notice of Appeal is given to or received by the Clerk to the Trustees, and he shall give Notice to the Appellant and to the District Clerk of the Time and Place of holding such General Meeting, by Letters addressed to them at their usual Residences, and forwarded by Post at least Seven Days previous to such General Meeting; and the Trustees present at such General Meeting shall hear Parties, if Appearance be made by the Appellant or the Road Committee, or the District Trustees, and shall consider and dispose of such Appeal as they think fit, and their Decision thereon shall be final.

Appeal from Road Committee and District Trustees.

- 134.** The Provisions of the General Turnpike Road Act, First and Second William the Fourth, Chapter Forty-three, in so far as the same are not inconsistent with this Act, shall extend and apply to all the Turnpike Roads, but not to any of the Highways; and the Provisions of the General Statute Labour Road Act, Eighth and Ninth Victoria, Chapter Forty-three, shall, in so far as not inconsistent with this Act, extend and apply to all the Highways, but not to any of the Turnpike Roads: Provided that, notwithstanding any

Incorporation of General Turnpike and Statute Labour Acts.

PART VII.

Resolution or Declaration under the Authority of this Act by which Turnpike Roads shall become Highways, all the Enactments and Provisions of the said Act, First and Second William the Fourth, Chapter Forty-three, (with the Exception of the Provisions thereof relating to Tolls and Toll Bars,) shall continue, so far as not inconsistent with this Act, to be applicable and may be enforced with respect to the Roads so declared to be Highways, by or against the Trustees or other Persons, or otherwise, in the same Manner and to the same Extent as such Enactments and Provisions are applicable and might have been enforced in the like Matters before such Resolution or Declaration.

Interpretation of Words in General Turnpike Act.

135. In the Construction of the said Act, First and Second William the Fourth, Chapter Forty-three, with reference to this Act, the Words "Trustees under any Turnpike Act," or any similar Words, shall mean and apply to the Trustees and the Road Committee and District Trustees appointed and acting under this Act, in so far as such Application shall not be excluded by the Context, or by the Character or Nature of the Person, Matter, or Thing to which any of the Provisions of the said Act shall relate, or by any of the Provisions of this Act.

Recovery of Penalties.

136. All Penalties imposed under the Provisions of this Act may be recovered under the Provisions of "The Summary Procedure Act, 1864."

Application of Monies received under this Act.

137. All Monies levied and received by the Trustees and District Trustees under the Authority of this Act, on account of Tolls, Assessments, or Penalties, or otherwise, for the Application of which no special Provision is made in this Act, shall be applied as follows :

First, in Payment of the Salaries and Allowances of Officers and Servants, and the general Expenses of the Management of the Trust ;

Second, in Payment of the Expense of the Maintenance and Repair of the Turnpike Roads, Highways, and Bridges ;

Third, in Payment of Interest on the Debts affecting the Turnpike Roads, Highways, and Bridges, and thereafter towards Payment of the Principal of such Debts :

Provided that no Monies raised or received for the Maintenance and Repair of Highways, or applicable thereto, shall be applied to Turnpike Roads ; and no Monies raised or received for the Maintenance and Repair of Turnpike Roads, or applicable thereto, shall be applied to Highways.

138. Nothing

- 138.** Nothing in this Act contained shall affect any existing Arrangements between the respective Trustees of any Turnpike Roads or Highways for the Payment of any Sum or Sums of Money by or to such Trustees, whether under Agreement or
- 5 Act of Parliament, except as expressly provided by such Agreement or Act; and all Sums agreed or stipulated to be paid under any such Arrangement shall, for and during the Period specified in such Agreement or Act, be paid accordingly to or by the Parties liable in the same, or to or by the Trustees who shall under the Provisions
- 10 of this Act be substituted for such Parties respectively, out of the Tolls or Assessments in lieu thereof (as the Case may be) under the Management of such Trustees.

PART VII.
Act not to affect existing Arrangements between Trustees of Turnpike Roads or Highways.

- 139.** This Act shall not extend or apply to any Street, Road, Highway, or Bridge which at the Date of Adoption of this Act
- 15 in any County or Burgh was under the Management and Control of any Town Council, Commissioners of Police, or other local Authority, in virtue of any Public or Local Act of Parliament, or to any Bridge which at the Date of Adoption of this Act was vested in and managed by Trustees under any Local Act, and
- 20 separate from any Turnpike or Statute Labour Trust, or to any Causeway-mail, Pontages, or other Rates or Assessments leviable on or in respect of any such Street, Road, Highway, or Bridge.

Act not to apply to Roads or Bridges under Control of local Authorities.

- 140.** This Act shall not extend or apply to any Street, Road or Highway which is wholly situate in the Counties of Lanark or
- 25 Renfrew, or the City of Glasgow, or any Two or more of those Places, or to any Street, Road or Highway which is partially situate therein, except in so far as may be necessary for fixing and determining the Proportion of the Debt affecting such last-mentioned Street, Road or Highway to be made chargeable under the
- 30 Provisions of Part Third of this Act upon any Portion of such Street, Road or Highway which may be situate within any County or Burgh which shall have adopted that Part of this Act, and for the Valuation and Payment of such last-mentioned Proportion of such Debt: Provided that no such Valuation shall in any Manner
- 35 restrict or affect the Rights or Remedies of the Creditors entitled to such Debt with respect to any other Portion thereof.

CLAUSE F.
Act not to apply to Counties of Lanark and Renfrew or City of Glasgow.

- 141.** Any of the Enactments of this Act may be incorporated with any Act to be passed in any future Session of Parliament; and for the Purpose of incorporating any Enactments of this Act with
- 40 any Act hereafter to be passed it shall be sufficient to describe such

Provisions of this Act may be incorporated with any future Acts.

PART VII. Enactments by a Reference to the Parts, Sections or Clauses of this Act, and to enact that the Parts, Sections or Clauses so described shall be incorporated with such Act, and all the Parts, Sections or Clauses of this Act so described and incorporated shall form Part of such Act, except in so far as the same are thereby 5 expressly varied, and such Act shall be construed as if such Parts, Sections, or Clauses were enacted and inserted therein with reference to the Matter to which such Act relates.

SCHEDULES to which this Act refers.

SCHEDULE (A.) No. 1.

I *A.B.*, Accountant of the Court of Session in Scotland do hereby certify, under the Authority of "The General Roads and Bridges (Scotland) Act, 1865," that [*Name and Designation of Creditor*] is a Creditor in Road and Bridge Debt, [*or Statute Labour Debt, as the Case may be,*] in respect of Monies lent to or for Behoof of [*specify the particular Trust in the Case of Turnpike Debt, and the District or Parish in the Case of Statute Labour Debt*]; valued at the Sum of _____ whereof I have allocated on the landward
 10 Part of the County of _____ [*or Burgh of* _____, *as the Case may be*] the Sum of _____ all in Terms of the Provisions of the said Act.

Witness my Hand this _____ Day of _____ 18 _____
 (Signed) *A.B.*

15 SCHEDULE (A.) No. 2.

I [*C.D.*] transfer to [*E.F.*] my whole Right and Interest under this Certificate.

(Signed) *C.D.*

SCHEDULE (B.) No. 1.

20 By virtue of "The General Roads and Bridges (Scotland) Act, 1865," we, the Convener and Clerk of Supply of the County of _____ as representing the said County, [*or the Provost or Chief Magistrate, as the Case may be,* and Town Clerk of the Burgh of _____ as representing the said Burgh] grant us to have borrowed and received from [*Name and Designation of*
 25 *Lender*] the Sum of _____ Pounds, for the Payment of valued Road and Bridge Debt, allocated on the landward Part of the County of _____ [*or District or Burgh, as the Case may be,*] under the Provisions of the said Act: In consideration whereof we assign to the said [*Name of Lender*] his Heirs, Executors, and Assignees, all the Assessments to be raised and paid
 30 within the landward Part of the said County [*or within the said District or Burgh, as the Case may be,*] for the Payment and Extinction of Debt under the Provisions of the said Act, in Security of the Payment of the said Sum of _____ Pounds, with Interest thereon at the Rate of _____

[165.]

G 3

Pounds

Pounds per Centum per Annum, from the Day of until
Payment of the said Principal Sum, which shall be payable, with the Interest,
at the Rate aforesaid, as follows [*state the Terms of Repayment according*
to the Arrangement]. And we consent to Registration hereof for Preser-
vation and Execution. In witness whereof [*insert Testing Clause*]. 5

SCHEDULE (B.) No. 2.

I [*Name and Designation*] in consideration of the Sum of
Pounds transfer to [*Name and Designation*], and his Heirs, Executors, and
Assignees, an Assignment in Security, numbered [*insert the Number of the*
Assignment], and dated [*insert Date*], granted by the Convener and Clerk of 10
Supply of the County of [*or by the Provost or Chief*
Magistrate and Town Clerk of the Burgh of , *as the Case may be,*]
for [*insert the stipulated annual Payment, and Duration thereof,*] from
the Day of . And I consent to Registration
hereof for Preservation and Execution. In witness whereof [*insert Testing* 15
Clause].

SCHEDULE (C.)

TOLLS.

	£	s.	d.	
1. For every Horse or Beast of Draught drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, or Hearse, or any Stage Coach, Long Coach, or Diligence, or any Carriage of the like Kinds - - -	0	1	0	20
2. For every Horse, Ox or Beast of Draught drawing any Waggon, Wain or Cart, or other such Carriage - - -	0	0	6	25
If Three Horses, Oxen, or Beasts of Draught are drawing any such Carriage, for every such Horse, Ox or Beast	0	0	9	
If more than Three Horses, Oxen, or Beasts of Draught are drawing such Carriage, for every such Horse, Ox or Beast - - - - -	0	1	0	30
3. For every Horse, Mule or Ass, laden or unladen, and not drawing - - - - -	0	0	3	
4. For every Score of Oxen or Neat Cattle - - - - - And so in proportion for any greater or less Number.	0	1	8	
5. For every Score of Calves, Hogs, Sheep, Lambs or Goats - And so in proportion for any greater or less Number.	0	0	10	35
6. For every Score of Horses or Fillies unshod - - - - - And so in proportion for any greater or less Number.	0	2	6	
7. For				

7. For all Carriages drawn or propelled by Steam, the same Tolls as are leviable under the "Locomotive Act, 1861."
8. When the Weight of any Waggon, Wain, Cart or other Carriage, with the Load thereon, amounts to Twenty Hundredweight (of One hundred and twelve Pounds to the Hundredweight), and does not exceed Thirty Hundredweight, double Tolls shall be charged and paid; and when the Weight of any Waggon, Wain, Cart or other Carriage, with the Load thereon, exceeds Thirty Hundredweight, treble Tolls shall be charged and paid.
9. In any Case where there is a fractional Part of a Halfpenny in the Calculation of the Amount of any Toll, such fractional Part shall be reckoned and charged as One Halfpenny.

SCHEDULE (D.)

ASSESSMENT ON HORSES AND MULES.

		£	s.	d.
15	1. For every Horse or Mule used in licensed Stage Carriages -	2	10	0
	2. For every Horse or Mule used in licensed Hackney Carriages, or kept for Hire by a licensed Person - - -	2	0	0
20	3. For every Horse or Mule exceeding Thirteen Hands in Height, kept for riding or for drawing a Carriage and chargeable with Duty - - - - -	1	0	0
	4. For every Horse or Mule not exceeding Thirteen Hands in Height, kept for riding or for drawing a Carriage and chargeable with Duty - - - - -	0	10	0
25	5. For every Horse or Mule kept exclusively or principally for carting or drawing Loads and chargeable with Duty -	1	10	0
30	6. For One Horse or Mule used for riding or drawing any Carriage chargeable with Duty, and kept by any Minister, Preacher, or Teacher, or by any Medical Practitioner, or by any Farmer making his Livelihood principally by Husbandry, or kept by or for the Use of any Grieve or Bailiff, Shepherd or Herdsman - - - - -	0	5	0
	7. For each additional Horse or Mule kept by any of the Persons mentioned in Article 6. - - - - -	1	0	0
35	No Assessment to be imposed on any Horse or Mule in any Year for more than One of the Rates above specified.			

Roads and Bridges (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE]

To provide for the Management and Maintenance of Turnpike and Statute Labour Roads and Bridges in Scotland.

(Prepared and brought in by
Lord Elcho, Sir Graham Montgomery, and
Sir Robert Anstruther.)

*Ordered, by The House of Commons, to be Printed,
25 May 1865.*

[Bill 165.]

Under 7 oz.

Roads and Bridges (Scotland) Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

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A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Provide for the Management and Maintenance of
Turnpike and Statute Labour Roads and Bridges
in Scotland.

WHEREAS it is expedient that the public Roads and Bridges in Scotland should be placed under uniform Management and Control, and that Provision should be made for the Regulation or Abolition of Tolls, for the Abolition of Statute Service and Statute Labour Conversion Money and Bridge Money, and for ascertaining and redeeming the Debts chargeable on Roads and Bridges; and that Facilities should be afforded for the Improvement and Maintenance and more economical Management of such Roads and Bridges: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The General Roads and Bridges (Scotland) Act, 1865."

2. In this Act the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction:

[Bill 231.]

A

" Person "

Interpreta-
tion.

- "Person" shall apply to and include Corporations and Companies :
- "Sheriff" shall mean the Sheriff of the County, and shall include Sheriff Substitutes and Steward Substitutes :
- "The Trustees" shall mean the County Road Trustees for the Time being appointed and acting under this Act :
- "The Road Committee" shall mean the County Road Committee for the Time being appointed and acting under this Act :
- "The District Trustees" shall mean the Trustees for any District of a County for the Time being appointed and acting under this Act :
- "Clerk" and "Surveyor" shall respectively mean the County Road Clerk and the County Road Surveyor for the Time being appointed and acting under this Act :
- "Creditor" shall include the Trustee, Tutor or Curator, Judicial Factor, or Curator Bonis of any Creditor :
- "The County" shall mean any County in which any Part or Section of this Act has been adopted, and is for the Time being in force, including the Burghs and Towns situate therein in which none of the Parts or Sections of this Act have been adopted :
- "Burgh" shall mean and include any Royal Burgh, or any Burgh sending or contributing to send a Member to Parliament :
- "Town Council" shall mean the Magistrates and Town Council or other Administrators of the Affairs of any Burgh :
- "Turnpike Roads" shall include all Roads and Bridges forming Part of any Turnpike Road :
- "Highways" shall mean and include all Statute Labour Roads and Bridges within the County for the Time being vested in or otherwise under the Management or Control of the Trustees, and all other Roads and Bridges, when declared to be Highways under the Provisions of this Act :
- "Tolls" shall include Pontages :
- "Proprietor," and "Lands and Heritages," shall have the same Meaning as is attached thereto respectively in the Act Seventeenth and Eighteenth Victoria, Chapter Ninety-one, intituled "An Act for the Valuation of Lands and Heritages in Scotland :"
- "Valuation Roll" shall mean the Valuation Roll in force for the Time being for any County and each of the Royal Burghs therein, made up under the Authority of the said Valuation Act or any other Act relating to the Valuation of Lands and Heritages in Scotland which may be in force for the Time being :
- "Local Newspaper" shall mean any Newspaper published in the County, or, if there be no Newspaper published therein, any Newspaper published in a County adjoining or near thereto :

Where

Where in this Act Notice is required to be given by "special Advertisement," such Notice shall be published once at least in Two local Newspapers :

5 "Maintenance and Repair" shall mean and include such Alterations on Turnpike Roads and Highways as the Trustees shall deem expedient or necessary.

PART I.

PART I.

ADOPTION OF THE ACT.

SECTION 1.—*Adoption by Counties.*

10 3. The Commissioners of Supply of any County, at any Special Meeting held for the Purpose, called by the Convener of the County on a Requisition in Writing signed by any Five Commissioners of Supply, after Notice by special Advertisement of the Object of such Meeting Thirty Days previous thereto, may resolve, by the Votes
15 of not less than Two Thirds of the Commissioners of Supply present at such Meeting, to adopt any of the Parts or Sections of this Act.

Commissioners of Supply may adopt Parts or Sections of Act.

4. Any Special Meeting of the Commissioners of Supply to be called as aforesaid may be adjourned to any Time or Place to be fixed by the Commissioners of Supply present at such Special Meeting; and Notice of such adjourned Meeting shall be given by special
20 Advertisement, and the Commissioners of Supply present thereat may resolve to adopt any of the Parts or Sections of this Act.

Special Meeting may be adjourned.

5. The Resolution to adopt any Part or Section of this Act shall not take effect unless the same be confirmed at the next Half-
25 yearly Meeting of the Commissioners of Supply to be held not less than Three Months after such Special or adjourned Meeting.

Confirmation of Resolution to adopt Act.

6. The Commissioners of Supply in their Resolution to adopt Parts Second, Third, Fifth, and Seventh of this Act, or any of them, shall determine the following Matters :

Certain Matters to be determined in Resolution to adopt Act.

30 1. Whether the Roads in the County shall be managed as a whole, without Division into Districts, or whether the County shall be divided into Districts; and if a Division into Districts is determined on, the Commissioners of Supply may either adopt any existing Division into Districts under any
35 Local Road Act applicable to the County, or may make such new Division into Districts as they think fit, and may fix the Number and Limits of such new Districts :

2. Whether the Trustees to be elected for such County shall be elected for Parishes or for Districts; and if it be determined
40 that such Trustees shall be elected for Districts, the Commissioners of Supply shall fix the Number of Trustees to be

PART I.

elected for each District, being not more than Four and not less than Two, as herein-after provided :

3. Whether the Amount of Debts on Turnpike and Statute Labour Roads, to be valued and ascertained as herein-after provided, shall be allocated on the whole County, or on the 5 Districts into which it may be divided :
4. The Commissioners of Supply shall fix and determine the maximum Rate of Assessment to be imposed and levied for the Maintenance and Repair of Roads and Highways :
5. The Commissioners of Supply shall determine in which of the 10 alternative Modes provided by this Act the Assessments for Maintenance and Repair of Highways shall be levied and paid :
6. The Commissioners of Supply shall determine, in the Case of a County divided into Districts, whether the Assessments for Maintenance and Repair of Roads and Highways shall 15 be levied at a uniform Rate over the whole County, and the Proceeds thereof allocated by the Trustees to and among the several Districts, in such Proportions as they think fit ; or whether separate Assessments for the Maintenance and Repair of the Roads and Highways in each District shall be 20 levied and expended in such District.

If Resolution to adopt Act negatived, further Proceedings not to be taken for Twelve Months.

7. If the Commissioners of Supply at such Special or adjourned Meeting shall resolve not to adopt any Part or Section of this Act, or if the Resolution of the Special Meeting to adopt any Part or Section shall not be confirmed at such Half-yearly Meeting 25 respectively, it shall not be competent to take Proceedings for the Adoption of any Part or Section of this Act, until the Expiration of Twelve Months from the Time when such Resolution has been negatived.

Time of Act coming into Operation to be specified in Resolution.

8. In the Resolution to adopt any Part or Section of this Act, a 30 Date shall be specified at which the Part or Section so adopted is to come into operation in the County, not being earlier than Six Months after the Confirmation of such Resolution, and such Date shall be held to be and is herein-after referred to as the Date of Adoption of this Act. 35

Commissioners of Supply to fix Times and Places for Elections and First Meeting of Trustees.

9. The Commissioners of Supply shall, in the Minute of the Half-yearly Meeting confirming the Resolution to adopt Parts Second, Third, Fifth, and Seventh of this Act, or any of them, fix the Days on which Meetings shall be held for the Election of Trustees in the several Parishes in the County when it is not divided into 40 Districts, or the Time and Place at which Meetings shall be held for the Election of District Trustees, when the County is divided into Districts, and the Time and Place at which the First Meeting of the Trustees under this Act shall be held.

10. Where

10. Where any Part or Section of this Act has been adopted in any County, the Commissioners of Supply may at any future Time adopt any other Parts or Sections thereof, by the Resolution of a Special or adjourned Meeting, to be passed and confirmed as **herein-before** provided.

PART I
Adoption
of further
Parts or
Sections of
Act by Coun-
ties.

11. After the passing and Confirmation of any Resolution to adopt any Part or Section of this Act the Clerk to the Commissioners of Supply shall forthwith transmit a Copy of such Resolution, and of the Minutes of the Meeting at which the same was confirmed, certified and subscribed by him, to the Sheriff Clerk of the County, to be registered in the Sheriff Court Books; and the Sheriff Clerk shall be bound to register the same accordingly, on Payment of the usual Fees; and Notice of such Resolution shall also be published by the Clerk to the said Commissioners, by special Advertisement.

Resolution
to be re-
gistered in
Sheriff
Court Books,
and pub-
lished.

SECTION 2.—*Adoption by Burghs.*

12. For the Purposes of this Act, the Boundaries of Burghs shall be held to be the Parliamentary Boundaries thereof as fixed and defined in the Public Act Second and Third William the Fourth, Chapter Sixty-five: Provided, that Agreements may be made by the County Road Trustees and the Town Council of any Burgh, with respect to the Maintenance and Management of Roads within or beyond the Boundaries of the Burgh, as herein-after provided.

Boundaries
of Burghs.

13. Any Part or Section of this Act may be adopted by any Burgh, as herein-after provided, at any Time either before or after the Adoption of any Part or Section of this Act by the County in which such Burgh is situate.

CLAUSE A.
Act may be
adopted in
Burghs be-
fore or after
Adoption in
Counties.

14. The Town Council of any Burgh may, at any Meeting specially called for the Purpose, resolve to adopt any Part or Section of this Act, and such Resolution shall be submitted for Confirmation at another Meeting of the Town Council, to be held not earlier than One Month after the Date of the Meeting at which such Resolution was adopted, and on the Confirmation of such Resolution the Part or Section of this Act specified therein shall be held to be adopted in such Burgh, and shall take effect and be in force therein from and after the Date to be specified in such Resolution; and such Date shall be held to be and is herein-after referred to as the Date of Adoption of this Act.

Act may
be adopted
in Burghs.

15. A Copy of the Resolution of the Town Council to adopt any Part or Section of this Act, and of the Minute of the Meeting confirming the same, certified under the Hands of the Provost or acting Chief Magistrate, and of the Town Clerk of the Burgh, shall,

Resolution
to be re-
gistered in
Sheriff
Court
Books.

PART I.

within Fourteen Days after the Date of such Minute, be transmitted to the Sheriff Clerk of the County in which the Burgh is situate, for the Purpose of being registered in the Sheriff Court Books of the County; and the Sheriff Clerk shall register the same, on Payment of the usual Fees, as herein-before provided. 5

Adoption of
further Parts
or Sections
of Act by
Burghs.

16. Where any Part or Section of this Act has been adopted in any Burgh, the Town Council may at any future Time adopt any other Parts or Sections thereof, by the Resolution of a Special Meeting to be passed and confirmed, as herein-before provided.

SECTION 3.—*Repeal of Local Acts.*

10

Repeal of
Local Acts.

17. From and after the Date of Adoption of Part Fourth of this Act in any County, the Local Acts relating to Turnpike Roads in such County shall be and are hereby repealed, subject to the Provisions of this Act; and from and after the Date of Adoption of Parts Second, Third, Fifth, and Seventh of this Act in any County, 15 the Local Acts relating to Statute Labour Roads in such County shall be and are hereby repealed, subject to the Provisions of this Act.

Convey-
ances, &c.
to remain in
force.

18. All Purchases, Sales, Conveyances, Assignations, Leases, Mortgages, Deeds, Bonds, Contracts, Agreements, Securities, and 20 other Acts and Things, made, done, entered into, executed or instituted under or by virtue or in consequence of or confirmed by any Local Act repealed by or in consequence of the Adoption of the said Parts or Sections of this Act, or with reference to any of the Purposes thereof, shall, notwithstanding the Repeal of the said Act, 25 be as good, valid, and effectual, to all Intents and Purposes, as they would have been if the said Act had not been repealed, and may be proceeded on and enforced accordingly, the Trustees under this Act coming in the Room and Place of the Trustees under the repealed Act. 30

Actions not
to abate.

19. No Action, Suit, Prosecution, or other Proceeding, commenced either by or against the Trustees under any repealed Act, or their Clerk or other Officer on their Behalf, before the Date of Adoption of this Act, shall abate or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect 35 in favour of or against the Trustees under this Act, in like Manner in all respects as the same would have continued and taken effect if the said Parts of this Act had not been adopted; and all Offences against the Provisions of any repealed Act committed before the Adoption of this Act may be prosecuted, and all Penalties incurred 40 by reason of such Offences may be sued for, in like Manner in all respects as if the said Parts of this Act had not been adopted.

20. All

20. All Persons acting or who have acted under any repealed Act as the Trustees of any Turnpike Roads or Highways, or as Clerks or other Officers of any such Trustees, who shall at the Date of Adoption of this Act have in their Custody, Power, or Possession, or under their Control, any Monies collected by virtue of the said repealed Act, or any Books, Deeds, Papers, Writings, or Effects belonging to any such Trustees, or relating to the Execution of the said repealed Act, shall pay and deliver the same to the Trustees under this Act, or to such Person as they shall appoint to receive the same; and every Person neglecting or refusing so to pay or deliver shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds, to be recovered by Action, at the Instance of the Clerk, in any Court of competent Jurisdiction.

PART I.
Persons who have acted under repealed Acts, to account for Monies and deliver up Books.

21. Every Person who at the Date of Adoption of this Act shall be liable for the Payment of any Assessments, Tolls or Duties, leviable under any repealed Act, shall, notwithstanding the Repeal of the said Act, be liable for the Payment of such Assessments, Tolls and Duties, to the Trustees under this Act, in like Manner as every such Person would have been liable for the Payment thereof to the Trustees under the repealed Act if the said Parts of this Act had not been adopted; and such Assessments, Tolls or Duties, shall be paid, with all Interest due thereon, to the Trustees under this Act, and the Payment thereof may be enforced by them in the like Manner as such Payment might have been enforced by the Trustees under the repealed Act if the said Parts of this Act had not been adopted, or in the same Manner as the Payment of any Assessments or Tolls leviable under this Act may be enforced; and the Trustees under the repealed Act shall pay over to the Trustees under this Act all Monies in their Hands received by them, either under the Powers of the repealed Act or applicable to the Purposes thereof, and the Payment thereof may be enforced by Action, at the Instance of the Clerk, in any Court of competent Jurisdiction.

Persons owing Debts under repealed Acts, to be liable to Trustees.

PART II.

PART II.

35 APPOINTMENT AND ELECTION AND POWERS AND DUTIES OF TRUSTEES AND DISTRICT TRUSTEES,

SECTION 1.—*Appointment and Election of Trustees.*

22. From and after the Date of Adoption in any County of Parts Third, Fifth, or Seventh of this Act, the following Persons shall be the Trustees for executing this Act, and shall be called the "County Road Trustees;" viz.

Appoint-ment of County Road Trustees.

1. All Persons being Commissioners of Supply of the County :

[231.]

A 4

2. All

PART II.

2. All Persons who, although not Commissioners of Supply, shall at the Date of Adoption of this Act be Trustees of any Turnpike Road or Highway within the County, under the Provisions of any Public or Local Act then in force :
3. One Guardian, Tutor, Curator, or Trustee of every Person having the Qualification of a Commissioner of Supply and being in Minority or under any legal Incapacity, and One Factor of every Commissioner of Supply appointed to act in the Absence of his Constituent :
4. The Provost or Chief Magistrate and One Member of the Town Council of each Burgh in the County which has more than Two thousand Inhabitants, and the Provost or Chief Magistrate alone of each Burgh in the County which has less than Two thousand Inhabitants, except as hereinafter provided :
5. The Chairman or Deputy Chairman of any incorporated Company assessed under the Provisions of this Act in respect of Lands and Heritages of the yearly Rent or Value of One hundred Pounds who shall be appointed by such Company from Time to Time as a Trustee under this Act :
6. In any County which is not divided into Districts, One Person, being the Tenant and Occupier of Lands and Heritages in the County of the yearly Rent or Value as entered in the Valuation Roll of not less than One hundred and fifty Pounds, to be elected annually, as herein-after provided, by the Tenants and Occupiers of Land and Heritages in each Parish or united Parish, wholly or partially situate in the County (exclusive of Parishes wholly situate within any Burgh), who are entered in the Valuation Roll at any Sum not less than Fifty Pounds of yearly Rent or Value :
7. In any County which is divided into Districts, One Person for each Parish, or such Number of Persons not exceeding Four and not less than Two for each District, as may be fixed by the Commissioners of Supply in the Resolution to adopt the said Parts of this Act, such Persons respectively being Tenants and Occupiers of Lands and Heritages in such Parish or District of the yearly Rent or Value of One hundred and fifty Pounds, to be elected annually, as herein-after provided, by the Tenants and Occupiers of Lands and Heritages in such Parish or District (exclusive of the Burghs situate therein), who are entered in the Valuation Roll at any Sum not less than Fifty Pounds of yearly Rent or Value.

23. The Provisions of this Act with respect to the Election of Trustees shall be in force from and after the Date of the Confirmation of the Resolution to adopt the said Parts of this Act, and the Provisions of this Act, so far as adopted in any County, shall
5 come into operation at the Date of Adoption of this Act.

PART II.

Time when Provisions of Act to come into operation.

24. For the Purpose of carrying into effect the Election of Trustees under this Act in any County which is not divided into Districts, and in any County which is divided into Districts and in which the Commissioners of Supply have determined that a
10 Trustee shall be elected for each Parish, the Clerk to the Commissioners of Supply (herein-after called the Clerk of Supply) shall convene Meetings of the Persons in each Parish in the County who are qualified as herein-before provided to elect and to be elected Trustees, to be held on the Day fixed in the Minute of the
15 Meeting at which the Resolution to adopt this Act is confirmed, which Meetings shall be held in the Schoolroom of the principal Parochial School of any Parish, or at such other Place within each Parish as shall be specified in the Notice convening the Meeting; and such Notice shall be given by special Advertise-
20 ment, and affixed to the Door of each Parish Church in the Parish, not less than Ten Days previous to the Meeting, and at each of such Meetings the Persons present, being qualified as aforesaid, and Three being a Quorum, shall proceed to elect One Male Person of full Age, having the Qualification aforesaid in respect
25 of Lands and Heritages situate within the Parish represented by such Meeting, to be a Trustee under this Act; and the Persons present at each such Meeting shall appoint a Chairman, who shall, in case of an Equality of Votes, have a casting as well as a deliberative Vote, and who shall record the Result of the Election, and
30 report the same to the Clerk of Supply, who shall thereafter report the same to the First General Meeting of the Trustees: Provided that in the Case of an Equality of Votes with respect to the Appointment of a Chairman the Person proposed as Chairman who is entered in the Valuation Roll at the highest Amount shall be appointed
35 Chairman.

First Election of Trustees in Counties.

25. Where any County is divided into Districts, and the Commissioners of Supply have determined that Trustees shall be elected for each District, the Clerk of Supply shall convene Meetings of the Persons in each District who are qualified as herein-before pro-
40 vided to elect and be elected Trustees, to be held on the Day and at the Place to be fixed in the Minute of the Meeting at which the Resolution to adopt this Act is confirmed; and the Notice convening such Meeting shall be published by special Advertisement; and at each such Meeting the Persons present, being

First Election of Trustees in Districts.

PART II.
—

qualified as aforesaid, and Three being a Quorum, shall proceed to elect the Number of Persons specified in the Resolution of the Commissioners of Supply, being Males of full Age having the Qualification aforesaid in respect of Lands and Heritages situate in the District, to be Trustees under this Act; and the Provisions 5 herein-before contained with respect to the Election of Trustees for Parishes shall be applicable to the Proceedings of such Meetings; and the Chairman of each Meeting shall record the Result of the Election, and report the same to the Clerk of Supply, who shall thereafter report the same to the First General Meeting of the 10 Trustees.

Subsequent
Elections.

26. The elected Trustees shall continue in Office until the Day appointed for the next Annual Election, which shall take place between the Fifteenth Day of September and the Second Tuesday, of October in each Year after such First Election; and Meetings shall 15 be held annually between the said Days in each Parish or District for the Election of a Person to be a Trustee in place of the Trustee whose Term of Office shall have expired; which Meetings shall be called by the Clerk to the Trustees under this Act, and Notice thereof shall be given by special Advertisement, and in all other respects the 20 Procedure shall be as above prescribed for the First Election; and the Result of each Election shall be reported to the Clerk, and by him to the next General Meeting of the Trustees: Provided that any Trustee whose Term of Office has expired may be re-elected.

Failure to
elect or of
Trustees to
act not to
affect Pro-
ceedings of
Trustees.

27. If the Persons qualified to elect Trustees in any Parish or 25 District fail to make an Election, or if any Person elected to be a Trustee, or any other Trustee, refuse to act, or resign, die, or become disqualified, the Acts and Proceedings of the remaining Trustees shall be as valid and effectual as they would have been if such Failure, Refusal, Resignation, Death, or Disqualification had not occurred. 30

County Road
Committee to
be appointed.

28. The Trustees shall at their First Meeting after the Adoption of this Act, or at any adjourned Meeting, nominate and appoint a Committee of their Number, to be called the "County Road Committee;" and the said Committee shall have the general Administration and Superintendence of the whole Roads and 35 Highways in the County, and shall consist of such Number of Trustees as shall be fixed by the Trustees, not being more than Sixteen and not being less than Eight; and not more than One Fourth of the Members of the said Committee shall be Trustees elected for and representing Parishes or Districts; and the Trustees 40 shall fix the Quorum of the said Committee, and shall appoint One of the Members thereof to be the Convener and Chairman, who when present shall preside at the Meetings of the said Committee, and in his Absence from any Meeting any other Member of the said

said Committee may be elected to preside thereat; and in case of an Equality of Votes at any Meeting of the said Committee the Convener and Chairman, or the Person acting as Chairman, shall have a casting as well as a deliberative Vote.

PART II.

5 SECTION 2. *District Trustees.*

29. Where any County is divided into Districts, the following Persons shall be the District Trustees; viz.,

Appoint-
ment of
District
Trustees.

1. Every Trustee under this Act who is the Proprietor of Lands and Heritages in the District, or is usually resident therein :
- 10 2. The Trustees for the District, or for the Parishes within the same, to be elected as herein-before provided.

30. If any District Trustee shall refuse to act, or resign, or die, or become disqualified, the Trustees may, if they think fit, at any General or Special Meeting, appoint a District Trustee to supply his Place; and the District Trustee so appointed shall remain in Office only so long as the Person in whose Room he was appointed might have held Office.

Occasional
Vacancies to
be supplied.

31. The District Trustees shall, in so far as the Provisions of this Act have been adopted, have the immediate Management and Superintendence of the Roads within the District for which they are appointed, subject to an Appeal to the Trustees, as herein-after provided.

Powers of
District
Trustees.

32. The District Trustees of each District shall annually make a Report of their Proceedings to the Trustees, with detailed Accounts of their Receipts and Expenditure, at such Times and in such Manner as may be prescribed by the Trustees.

District
Trustees to
report to
County Road
Trustees.

SECTION 3. *Meetings of Trustees and District Trustees.*

33. The Trustees shall hold an Annual General Meeting on the Day and at the Place fixed in the Resolution to adopt any Part or Section of this Act, or on such other Day or at such other Place as may be resolved on at any Annual General Meeting of the Trustees.

Meetings of
Trustees.

34. At the First General Meeting of the Trustees, and at each Annual General Meeting thereafter, the Trustees present shall choose Two of their Number to be Chairman and Deputy Chairman of the Trustees respectively; and such Chairman and Deputy Chairman shall hold Office until the Annual General Meeting succeeding their Appointment, or until their Successors are appointed, and may be re-elected on the Expiration of their First or other Period of Office; and the Chairman, when present, or in his Absence the Deputy Chairman, when present, shall preside at all General and Special Meetings of the Trustees; and in the Absence of both the Chairman

Chairman
and Deputy-
Chairman
of Trustees.

PART II.

and Deputy Chairman the Trustees present at any General or Special Meeting shall elect One of their Number to preside at such Meeting.

Meetings
of District
Trustees.

35. The Place of Meeting of the District Trustees in each District shall be fixed in the first instance by the Trustees, and thereafter by the District Trustees themselves; and the District Trustees shall hold their First Meeting at the Time and Place to be fixed by the Trustees, and shall hold Meetings thereafter as often as shall be necessary for the Disposal of Business.

Chairman
of District
Trustees.

36. The District Trustees shall, at their First Meeting after their Appointment in each Year, elect One of their Number to be their Chairman for the Year succeeding his Election; and the Chairman shall, when present, preside at all Meetings of the District Trustees, and in his Absence the District Trustees present at any such Meeting shall elect One of their Number to preside; and in case of an Equality of Votes the District Trustee present whose Name stands first on the Sederunt Roll of the Meeting shall preside at such Meeting.

Trustees to
fix Quorum.

37. The Trustees shall at their First Meeting under this Act fix the Number of Trustees who shall form a Quorum at Meetings of the Trustees; and, where the County is divided into Districts, the Trustees shall fix the Number of District Trustees who shall form a Quorum at Meetings of the District Trustees; and the Trustees may alter such Quorum of Trustees and District Trustees respectively from Time to Time as they think fit.

SECTION 4.—*Appointment of Officers.*

25

Officers to be
appointed.

38. The Trustees may appoint a Clerk, who shall be called the "County Road Clerk," and a Surveyor, who shall be called the "County Road Surveyor," and such other Officers and Servants as they may think necessary for carrying this Act into execution; and such Officers and Servants shall perform the Duties from Time to Time prescribed by the Trustees, and shall be subject to Removal at any Time by the Trustees; and they and all other Officers of the Trustees shall find such Security as the Trustees shall require.

Salaries to
be fixed by
Trustees.

39. The Trustees shall fix the Salaries and Allowances to be paid to the Clerk and the Surveyor and the several other Officers and Servants appointed and employed by them; and such Salaries and Allowances, and all other necessary Expenses incurred in the Execution of this Act, shall be paid out of the several Funds and Revenues at the Disposal of the Trustees for that Purpose, in such Proportions as the Trustees shall from Time to Time fix and determine.

SECTION

SECTION 5.—*Meetings and Proceedings of Trustees and District Trustees.*

PART II.
 Meetings
 and Pro-
 ceedings of
 Trustees
 and District
 Trustees.

5 40. The following Provisions shall be applicable to the Meetings and Proceedings of the Trustees and the District Trustees respectively :

1. Special Meetings of the Trustees may be called by their Chairman, at any Time he may think fit, by special Advertisement, stating the Object of such Meeting ; and on a Requisition, stating the Object of such Special Meeting, and signed by Five
 10 Trustees, being presented to the Chairman of the Trustees, he shall direct the Clerk to call a Special Meeting of the Trustees, stating the Object of such Meeting, of which at least Fourteen Days Notice shall be given by special Advertisement :
2. Special Meetings of the District Trustees may be called at
 15 any Time by the District Clerk, by Order of the Chairman of the District Trustees ; and on a Requisition, stating the Object of such Meeting, and signed by any Three District Trustees, being presented to the District Clerk, he shall call a Special Meeting of the District Trustees ; and Notice of every such
 20 Special Meeting shall be given by Circular, stating the Object of such Meeting, addressed to each District Trustee at his usual Residence, and forwarded by Post at least Eight Days before such Meeting :
3. Any Meeting, General or Special, of the Trustees or of the
 25 District Trustees, may be adjourned to a Time and Place to be specified in the Minutes of such Meeting ; and in the event of a Quorum not being present at any General or Special Meeting the Clerk shall, in the Case of Meetings of the Trustees by special Advertisement, and the District Clerk shall, in the
 30 Case of District Trustees, by Circular addressed and forwarded by Post as herein-before provided, call another Meeting, to be held at the same Place on any Day within Three Weeks after the Day fixed for such Meeting :
4. Any Business appointed by this Act to be transacted, and
 35 any Assessment by this Act authorized to be imposed, at any General or Special Meeting of the Trustees or of the District Trustees, may be transacted or imposed at any such adjourned Meeting : Provided that no Business shall be brought before or transacted at such adjourned Meeting which was not brought
 40 or appointed to be brought before the original Meeting which was so adjourned :
5. The Chairman or Deputy Chairman, or other Person pre-
 siding at any Meeting of the Trustees or of the District Trustees, shall, in case of Equality of Votes, have a casting as
 45 well as a deliberative Vote.

PART II.

Trustees
may sue
and be sued.

41. The Trustees or District Trustees may sue and be sued in the Name of the Clerk or District Clerk respectively for the Time being, or in the Name of any Person authorized by the Trustees or District Trustees; and no Action or Process at the Instance of or against the Trustees or District Trustees, in Name of their Clerk, 5 shall fall or be suspended by his Death or Removal: Provided that all Expenses incurred by any such Clerk or other Person in connexion with any Action or Proceedings instituted or defended under the Orders or Instructions of the Trustees or District Trustees shall be paid out of the Funds at the Disposal of the Trustees or District 10 Trustees, as the Case may be.

Contracts
to be entered
into by the
Clerk.

42. All Contracts, Agreements, Leases, and other Deeds or Writings into which the Trustees under this Act, or the District Trustees, if the County be divided into Districts, or their respective Committees, may enter, or which they may require to grant or 15 execute, and which they shall have ordered to be entered into, granted, or executed, may be granted or executed by the Clerk or District Clerk respectively in their Name and on their Behalf, and the same shall be and remain good, valid, and effectual, notwithstanding the Death, Resignation, or Removal of any such Clerk. 20

Authentica-
tion of
Documents
relating to
the Execu-
tion of this
Act.

43. For the Purposes of this Act, the Signature of the Chair- man or Deputy Chairman of the Trustees, or of the Preses of any Meeting of the Trustees, or of the Chairman of any District Trustees, or of the Convener of any Committee to be appointed for carrying into effect the Purposes of this Act, adhibited to any 25 Writing or Document, shall be equivalent to the Signatures of the whole Trustees or District Trustees or Members of Committees present at a Meeting thereof respectively; and the Addition to such Signature of the Word "Chairman," "Preses," or "Convener" shall be good primâ facie Evidence that such Signature is the 30 Signature of such Chairman, Preses, or Convener, as the Case may be, and that such Writing or Document is genuine and authentic.

District
Trustees
may appoint
Clerks.

44. The District Trustees may from Time to Time appoint a District Clerk, and prescribe his Duties, and, subject to the Ap- proval of the Trustees, the District Trustees may fix the Salaries to 35 be paid to and the Security to be taken from such District Clerk for the Discharge of his Duties, where such Security is required to be taken; and every such District Clerk shall hold Office only during the Pleasure of the District Trustees, by whom he may at any Time be removed from Office. 40

Money bor-
rowed under
this Act to
be paid off

45. In every Case where any Monies shall have been borrowed under the Powers of this Act, it shall be lawful for the Commis- sioners of Supply or Town Council by whom such Monies shall have

have been borrowed to pay off the Monies so borrowed, and to raise and borrow the Monies necessary for that Purpose, and also to repay the said last-mentioned Monies and the Interest thereof, but so nevertheless that all Monies borrowed under the Powers of this Act shall be repaid within Thirty Years from the Time when the same shall have been borrowed.

PART II.

within
limited
Period.

46. In case the Convener or Commissioners of Supply of any County, or Persons appointed or directed by them, or the Town Council of any Burgh, or Persons appointed or directed by them, or the Clerk to the Trustees under this Act, or to the Trustees under any Local Turnpike Road Act, shall refuse or neglect to do what is by this Act required of them respectively, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for any Creditor or Ratepayer, or other Person having Interest, to apply by summary Petition to the Court of Session in either of the Divisions thereof, or to the Lord Ordinary on the Bills during the Vacation; and the Court and Lord Ordinary respectively are and is hereby authorized and required to take such Proceedings, and make such Orders on and with respect to such Petition, as to them or him shall seem just and necessary for the Execution of the Purposes of this Act.

Court of
Session may
enforce
Compliance
with Pro-
visions of
this Act.

47. The Trustees or District Trustees may from Time to Time appoint Committees of their Number respectively for any special Purpose relating to the Execution of this Act, with such Powers, and subject to such Orders and Directions, not inconsistent with the Provisions of this Act, as the Trustees or District Trustees may respectively prescribe, and may fix the Quorum and appoint the Convener of such Committees.

Trustees
and District
Trustees
may appoint
Committees.

48. The Road Committee may from Time to Time appoint Sub-Committees of their Number, for any special Purpose relating to the Execution of this Act, with such Powers, and subject to such Orders and Directions, not inconsistent with the Provisions of this Act, as the Road Committee may prescribe, and may fix the Quorum and appoint the Convener of such Sub-Committees, and the Road Committee and any Sub-Committee so appointed by them may meet from Time to Time, and may adjourn from Place to Place, as they think proper for carrying into effect the Purposes of their Appointment respectively.

Road Com-
mittee may
appoint Sub-
Committees.

PART III.

PART III.

VALUATION AND PAYMENT OF DEBTS.

49. Within Two Months after the Date of Adoption of the Provisions of this Act with respect to the Abolition of Tolls, the Clerk shall make out a List of the whole Debts of each Turnpike Trust,

Clerk
to make
out List of
Debts.

PART III.

and within Two Months after the Date of Adoption of the Provisions of this Act with respect to the Abolition of Statute Labour Conversion Money, the Clerk shall make out a List of the whole Debts of each Statute Labour Trust, distinguishing in each Case as far as possible the Order of Preference of such Debts, and also 5 showing what Proportions thereof consist of Principal and of Arrears of Interest, if any, and the Names of the Creditors in such Debts, so far as known to him; and such Lists shall be deposited in the Office of the Clerk, for the Inspection of all Persons interested or claiming to be interested in such Debts. 10

Intimation
to Creditors.

50. The Clerk shall, by special Advertisement, within Eight Days after such Lists have been deposited, give Intimation that such Lists have been deposited, and require all Persons claiming to be entitled to Payment of any Debt affecting the Turnpike Roads and Statute Labour Roads included in such Trusts respectively, 15 or the Tolls and Revenues thereof, to lodge their Claims, and the Vouchers thereof, with him, on or before a Day to be specified in such Notice, which Day shall be at an Interval of not less than Six Weeks nor more than Two Months from the First Publication of such Advertisement. 20

Revised
List of Debts
to be made
up.

51. Within Twenty-one Days after the Day specified in the said Notice, the Clerk shall, from the Statement made up by him as aforesaid, and the Claims and Vouchers which may be lodged with him, make up a full and complete revised List of all the Debts affecting or alleged to affect the Turnpike Roads and Statute Labour 25 Roads included in such Trusts respectively, and the Tolls or Revenues thereof, and the Interest due thereon, and the Names and Designations of the Creditors entitled or claiming to be entitled thereto, with such Notes or Observations on such Claims and Vouchers as he may think necessary. 30

Revised
List to be
open to
Inspection.

52. The List of Debts so revised shall, immediately on the Expiry of the last-mentioned Period, be docketed and signed by the Clerk, and deposited in his Office; and Intimation of the same shall be made by special Advertisement; and the said Lists shall, for One Month after the First Publication of such Notice, be open to 35 Inspection, free of Charge, by all Persons interested or claiming to be interested therein.

CLAUSE B.
Creditors
may agree
with Trus-
tees as to
Amount
and Value of
Debts.

53. Any Creditor named in the said Lists may agree with the Trustees as to the Amount and Value of his Debt, and the Amount and Value so agreed on shall be held to be the Amount and Value 40 of such Debt as ascertained and fixed under the Provisions of this Act.

54. On

54. On the Expiration of One Month after the Publication of such Notice, the Clerk shall transmit the said Lists to the Accountant of the Court of Session for the Time being, (herein-after called the Accountant,) who is hereby authorized to inquire into the Affairs of such Trusts, and to ascertain and fix the Amount and Value of such Debts as herein-after provided.

PART III.
—
Lists to be transmitted to Accountant.

55. Before proceeding to inquire into the Affairs of any Trust, the Accountant shall give Notice of the Time and Place at which he is to hold any Sitting, other than adjourned Sittings, by special Advertisement, Fourteen Days at least before the Time appointed for holding any such Sitting, and shall also give Notice of such Sitting by Post to the Clerk; and the Clerk shall immediately on Receipt of such Notice give Intimation of the intended Sitting of the Accountant to each Creditor or alleged Creditor named in the said Lists, by a Registered Letter transmitted by Post to the last known Address in the United Kingdom of such Creditor, or to his known Agent in the United Kingdom; and the Accountant shall have Power to adjourn the Sittings from Time to Time and from Place to Place as he finds necessary.

Notice to be given when Accountant holds Sittings.

56. The Accountant shall make full Inquiry into the Revenue, Debts, Condition, and Circumstances of the several Turnpike or Statute Labour Trusts in the County, as the Case may be, and shall examine and ascertain the Amount, Nature, and Value of all Debts due or claimed to be due by or from the Trusts respectively, and shall inquire how much thereof consists of unpaid Interest, and for what Period such Interest shall be in arrear, and all such other Particulars respecting the Trusts as he shall deem necessary, in order to the Execution of the several Powers and Duties hereby vested in and imposed on him, and he shall require all Persons being or claiming to be Creditors of the Trusts respectively to state the Grounds of their respective Claims, and to produce before him the Bonds, Assignations, or other Vouchers (if any) on which such Claims are founded, and he shall be bound to hear all Parties who are interested in the said Debts or Roads, or who are or may become liable to contribute under the Provisions of this Act towards the Payment or Extinction of such Debts or the Interest thereon; and if it shall appear to the Accountant by the Books kept by the Clerk or Treasurer to any Trust, or by any other Evidence satisfactory to the Accountant, that any Person is a bonâ fide Creditor of such Trust, though his Name does not appear in the said List, the Accountant shall include such Person in the List of Creditors for the Amount of his Debt; and the Accountant is hereby empowered, by Summons or Writing under his Hand, to require the Attendance before him, at a Time and Place to be

Duties of Accountant.

PART III.

mentioned in such Summons or Writing; of any Trustee, Clerk, Treasurer, or other Officer of any Trust, or of any other Person whom he may think fit to examine upon any Question or Matter connected with or relating to the Execution of this Act; and may examine upon Oath any such Trustee, Clerk, Treasurer, or other 5 Officer, and may require the Production of any Books, Accounts, Maps, Plans, Acts of Parliament, and other Documents in anywise relating to any such Question or Matter; and the Accountant may allow to any Witness attending before him pursuant to any such Summons such Expenses as he may deem reasonable. 10

Trustees to represent those for whom they act.

57. All Trustees, Guardians, Tutors, and Curators acting for Persons in Minority or under any legal Incapacity may, with respect to the Valuation of Debts under this Act, represent the Persons for whom they act; and in any Proceedings relating to the Valuation of Debts it shall not be competent to object to the same 15 on the Ground of Want of previous Intimation to or Absence of any Creditor, or of any Trustee, Guardian, Tutor, or Curator of any Creditor; but, in the Case of any Creditor absent or unrepresented, the Sheriff, on a summary Application by the Accountant, may appoint a Person to attend to the Interest of such Creditor with 20 reference to such Valuation, and shall have Power to award Expenses in favour of the Person so appointed, to be paid by such Creditor.

Persons giving false Evidence to be guilty of Perjury.

58. Every Person who, being examined under the Authority of this Act by the Accountant, shall wilfully and corruptly give false 25 Evidence, shall be guilty of and shall incur the Pains of Perjury; and every Person who, being summoned as aforesaid, shall wilfully refuse or neglect to attend or to give Evidence; or refuse to produce any Books or Documents, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, in the Discretion of the 30 Sheriff to whom the Accountant shall report the same; which Penalty may be recovered by the Clerk, or by any District Clerk within the County, and the same shall be, by the Person receiving it, accounted for and applied towards defraying the Expenses of the Valuation in relation to which the Offence was committed. 35

Accountant to keep Record of Proceedings.

59. The Accountant shall make or cause to be made a full and particular Record in Writing of such of his Proceedings in the Execution of this Act as he shall deem necessary.

Accountant to value the Debts of Creditors.

60. So soon as the Accountant shall have ascertained all such Particulars as he shall deem necessary relating to any Trust, he shall 40 proceed to decide on the Claims of the several Creditors or Persons claiming to be Creditors of such Trust, and shall estimate and determine

determine the Value (if any) of the Principal or Capital and Interest of the Debts due or claimed by such Creditors respectively; and in making such Valuation the Accountant shall take into account the Amount of the Revenue of the Trust, the Expense of Maintenance and Management, and the State of Repair of the Roads, the Nature of the Security for such Debts prior to the Date of Adoption of this Act, irrespective of any personal or other collateral Obligation undertaken by Trustees or others, and generally the Accountant shall take into account every other Circumstance which may in his Opinion affect, limit, or reduce the Value of such Security or Debts, or which, from the future Prospects of the Trust, might be reasonably expected to enhance the same if this Act had not been passed.

61. Where any County is divided into Districts, and the Commissioners of Supply have determined that the Debts shall be allocated on the Districts, the Accountant shall fix and determine the Proportion in which the Debts affecting the Roads in the County shall be allocated on each District.

Accountant
to allocate
Debts on
Districts.

62. Where any Trust includes a Turnpike Road or Roads, or Portions thereof, locally situate in Two or more Counties in Scotland, the Accountant shall fix and determine the Proportions in which the Debts affecting such Roads shall be made chargeable upon the Portions of such Roads situate within such Counties respectively; and where any such Turnpike Road is situate partly in England, he shall fix and determine the Proportion of the Debt affecting such Road chargeable upon the Portions of Road within the County or Counties in England in which the same is situate, and his Award and Apportionment shall be as binding as if such Counties were in Scotland.

Debts on
Roads in
Two or
more Coun-
ties to be
allocated.

63. Where any Trust includes a Turnpike Road, or Portions thereof, locally situate partly within the landward Part of any County and partly within the Boundaries of any Burgh in which Parts Third, Fifth, and Seventh of this Act, so far as applicable, have been adopted, the Debt of such Trust, as valued and ascertained under the Provisions of this Act, shall be allocated and charged on the Portions of such Road situate in the Burgh and in the landward Part of the County respectively in the Proportion which the Extent in Mileage of such Road within the Burgh bears to the Extent in Mileage of such Road in the landward Part of the County; and the Accountant shall fix and determine the Sums which, according to that Proportion, are chargeable upon the Portions of such Roads situate within the Burgh and within the landward Part of the County respectively.

Debts to be
allocated
between
landward
Parts of
Counties and
Burghs.

PART III.
 Accountant
 to issue an
 Award.

64. As soon as the Accountant shall have completed the Valuation of the Debts of each Trust, and shall in the Cases above mentioned have fixed the Proportions chargeable upon the Districts or Portions of Road situate within the several Counties and Burghs respectively, he shall issue an Award in Writing under his Hand, and shall specify therein the Names of all such Persons as he shall have determined to be entitled to any Monies in respect of Principal or Interest, as Creditors of such Trust, together with the Sums to which such Persons shall be respectively entitled, according to the Value of their respective Debts, distinguishing in the Cases above mentioned the Proportions thereof chargeable upon the Districts or Portions of Road within each County and Burgh respectively, and shall also specify therein the Names of the Creditors to whom no Sum shall have been found due, and the Debts to which no Value has been assigned, and the Accountant shall forthwith deliver his Award to the Clerk, who shall cause the same to be recorded in the Sheriff Court Books of the County or Counties in which the Roads included in the Trust are situate; and the Clerk shall, within Three Days from the Delivery of such Award, give Notice in Writing to the several Persons therein specified as Creditors of such Trust, or to the Representatives or Agents of such Persons, of the Sums thereby awarded to them respectively; and the Accountant shall farther specify in his Award, or in a separate Award to be issued by him, the Proportion of the Debt of each Trust which he determines to be chargeable as aforesaid on the Portions of Road within the several Burghs in each County and within the landward Part of such County respectively.

Supple-
 mental
 Awards may
 be issued.

65. If it shall appear to the Accountant, after any such Award shall have been made by him, that any Debts have been omitted, or if any Claims shall thereafter be made in respect of Debts not included in such Award, it shall be lawful for the Accountant to supply such Omission, and on sufficient Cause shown to entertain such Claims, on such Terms and Conditions, with reference to the Circumstances of the Case, as he shall think just and reasonable, and to make and issue supplemental Awards in relation thereto, which supplemental Awards shall be held to be Part of his original Award; and the Creditors included in such supplemental Awards shall for all the Purposes of this Act be considered as included in such original Award: Provided always, that all Parties omitting to claim within Six Months after the Date of such original Award shall be thereafter finally debarred and excluded from any further Claim or other Proceeding with respect to any such Debt; Provided also, that no such Award or supplemental Award shall prejudice or affect any personal or other collateral Security which may be held for any Debts specified therein.

66. The

66. The Debts of each Trust so valued shall remain Charges against the same Roads and the Revenues thereof as the Debts for which they are commuted; and all Debts not included in the Award or in any supplemental Award of the Accountant, or to which no Value has been assigned by him, shall be held as discharged and extinguished, and no Claim shall thereafter be competent in respect thereof, on or against the said Roads or the Revenues thereof: Provided that when the Proportion of Debt of any Trust allocated upon any District or Portion of Road within a County or Burgh shall be paid under this Act, the Security for the Remainder of the Debt of such Trust, valued and allocated as aforesaid, shall be restricted to the Districts or Portions of Road included in such Trust and the Revenues thereof which have not so paid the Debt allocated upon them.

PART III.
Debts as
valued to
remain
Charges.

67. The Accountant shall subscribe and deliver to each Creditor named in his Award a Certificate or Certificates in the Form or as nearly as may be in the Form No. 1. of Schedule (A.) to this Act annexed; and each Certificate shall be entered in a Register thereof to be kept by the Clerk, and shall be conclusive Evidence of the Right of such Creditor to the said Debt, and may be transferred by such Creditor, or any other Person having Right thereto for the Time being, by an Indorsation in the Form or as nearly as may be in the Form No. 2. of the said Schedule (A.), which Transfer shall be entered in the said Register; and the Person in whose Favour such Indorsation is made shall acquire thereby the whole Rights in regard to such Debt of the Creditor in whose Favour such Certificate was originally granted.

Accountant
to grant
Certificate
of Debt
to Creditors.

68. The Accountant shall make up an Account of the Expenses incurred and disbursed by him in regard to the Ascertainment and Valuation of the Debts of each County, including reasonable and proper Remuneration for his own Services; and after the Debts in any County are ascertained and valued, and the Award or Awards of the Accountant are delivered, as before provided, he shall fix and determine the Amount of the Expenses of the Valuation, and shall allocate a Proportion thereof upon the landward Part of such County, and the Burghs within the same respectively, and shall intimate such Allocation to the Clerk: Provided that if any Question or Difference shall arise with respect to the Amount of the Remuneration or Expenses charged by the Accountant for his Services, the Amount of such Remuneration and Expenses shall be ascertained and fixed by the Auditor of the Court of Session, on the Application of the Accountant, or of the Commissioners of Supply of any County, or the Town Council of any Burgh.

Accountant
to keep
Account of
Expenses,
and allocate
the same.

PART III.

Clerk to
intimate
allocated
Debt to
Commis-
sioners of
Supply and
Town
Council,
and Assess-
ment for
Expenses to
be imposed.

69. On the Receipt of the Report and Allocation by the Accountant, the Clerk shall intimate to the Convener of the County and to the Chief Magistrate of each Burgh the respective Amounts of Debt and of Expenses allocated on the landward Part of the County and on each Burgh; and the Commissioners of Supply for the County shall, within Twelve Months from the Date of such Intimation, and they are hereby empowered, to impose and levy an Assessment on and from the Owners of the whole Lands and Heritages in such County, excluding the Burghs therein, and the Town Council of each Burgh shall, within the like Period, and they are hereby 10 empowered, to impose and levy an Assessment on and from the Occupiers of the whole Lands and Heritages in such Burgh, at such Rates respectively as shall be sufficient to provide for the Payment of the Expenses so allocated on the landward Part of the County and the Burghs therein respectively, together with such farther 15 Sum as may be necessary to cover the Expense of Assessment and Collection: Provided that such Assessments may, in the Option of the Commissioners of Supply in any County, be levied along with and as a Part of and in addition to the Assessment for Rogue Money in such County, and, in the Option of the Town Council 20 of any Burgh, be imposed and levied along with and as Part of and in addition to any other Assessment which such Magistrates and Town Council are by Law authorized to impose and levy in such Burgh.

Commis-
sioners of
Supply may
resolve to
pay off Debt.

70. The Commissioners of Supply of any County may at any 25 Special Meeting held for the Purpose, called by the Convener, on the Requisition of any Six Commissioners of Supply, after Notice by special Advertisement of the Object of such Meeting Six Weeks previous thereto, resolve, by a Majority of not less than Two Thirds of the Commissioners of Supply who are present at such Meeting, 30 that the Debts affecting either the Turnpike Roads or Statute Labour Roads in such County, or both Classes of Debts, valued and allocated under the Provisions of this Act, shall be paid in manner herein-after provided.

Town
Council
may resolve
to pay off
Debt.

71. The Town Council of any Burgh may, at any Special Meet- 35 ing held for the Purpose, after Notice by special Advertisement Three Weeks previous thereto, resolve that the Debts affecting either the Turnpike Roads or Statute Labour Roads in such Burgh, or both Classes of Debts, valued and allocated under the Provisions of this Act, shall be paid in manner herein-after provided. 40

Commis-
sioners of
Supply and

72. After such Resolution has been adopted by the Commis-
sioners of Supply of any County, it shall be lawful for them and
they

Town
Council
may impose
Assessments
to pay off
Debt and
Interest.

they are hereby required to impose and levy annually an Assessment on and from the Proprietors of the whole Lands and Heritages in such County, or in any District thereof, as the Case may be, excluding any Burgh in which Parts Third, Fifth and Seventh of this Act have been adopted, and after such Resolution has been adopted by the Town Council of any Burgh it shall be lawful for them, and they are hereby required, to impose and levy annually an Assessment on and from the Tenants or Occupiers of the whole Lands and Heritages in such Burgh, at such Rate or Rates, in the Case of such County or District and Burgh respectively, as shall be sufficient to provide a Sum equal to not less than One Thirtieth Part of the Principal of the Debts valued and allocated on the Roads or Portions of Road situate within the landward Part of such County or District and the Burghs therein respectively; and it shall be lawful for the said Commissioners of Supply and Town Council respectively and they are hereby required, to impose and levy annually an Assessment on the whole Lands and Heritages in such County or District and Burgh respectively at such Rate or Rates in the Case of such County or District and Burgh respectively as shall be sufficient to provide the Sum required to pay the yearly Interest on such respective Debts; or the Balance thereof from Time to Time remaining due, at a Rate not exceeding Five Pounds per Centum per Annum; and as regards such County or District such last-mentioned Assessment shall be levied and paid in equal Proportions; one Half by the Proprietors and the other Half by the Tenants or Occupiers of the Lands and Heritages on which such Assessment is imposed; and as regards such Burgh such last-mentioned Assessment shall be levied and paid by the Tenants or Occupiers of the Lands and Heritages on which such Assessment is imposed.

73. The Commissioners of Supply of any County or the Town Council of any Burgh may require from any Creditor at any Term of Whitsunday or Martinmas, on Three Months previous Notice, an Assignment or Discharge of his Debt valued and allocated under the Provisions of this Act, on Payment to such Creditor of the whole of such Debt or of such Balance thereof as may remain due.

Creditors to
grant As-
signations or
Discharges
of Debts.

74. In case any Sum payable in respect of such Debt or Interest shall remain in the Hands of the Commissioners of Supply of any County or the Town Council of any Burgh unclaimed by the Persons entitled thereto, for the Period of Three Months after the Term of Whitsunday or Martinmas at which the same respectively becomes payable, the Commissioners of Supply and Town Council shall respectively be exonerated and discharged, in so far as respects such Sum, by Consignation thereof, in the Name of the Persons

Unclaimed
Instalments
to be con-
signed.

PART III. entitled thereto, in any Bank incorporated by Act of Parliament or Royal Charter.

Commis-
sioners of
Supply and
Town
Council
may borrow
on Security
of Assess-
ments.

75. It shall be lawful for the Commissioners of Supply of any County or the Town Council of any Burgh respectively to borrow, on the Security of the Assessments for the Payment of Debts to be 5 levied under this Act within such County or District or Burgh respectively, all or any Monies required in such County or District or Burgh for the Purpose of paying off the whole or any Part of the Debts to be valued and allocated as aforesaid; and such Monies may be borrowed at any Rate of Interest not exceeding Five Pounds per 10 Centum per Annum; and every such Security may be by Assignment in the Form No. 1 of the Schedule (B.) to this Act annexed, or to the like Effect, and shall be duly executed, if signed, in the Case of Monies borrowed by the Commissioners of Supply, by the Convener 15 of the County and the Clerk of Supply, and in case of Monies borrowed by the Town Council of any Burgh, by the Chief Magistrate and the Town Clerk, or Person acting as Town Clerk of such Burgh; and every such Assignment in Security shall be effectual for securing to the Person advancing the Sum of Money therein expressed to be advanced, and to his Heirs, Executors, and 20 Assignees, the Repayment thereof, with Interest for the same, after such Rate and at such Time and in such Manner as shall be provided in such Assignment in Security; and the said Assignations in Security shall be numbered in the Order in which they are granted, and shall be entered by the said Clerk of Supply or 25 Town Clerk respectively, as the Case may be, in a Book to be called the "Register of Road and Bridge Debt Securities," to be kept by them for that Purpose; and every such Assignment in Security, and the Monies secured thereby, shall be Personal Property, and may be validly transferred by an Indorsation on 30 such Assignment in Security, by the Person entitled thereto for the Time being, of a Transfer in the Form No. 2. of the Schedule (B.) to this Act annexed; and the Persons in right of such Assignations in Security shall be Creditors upon the Assessments thereby expressed to be assigned in Security, *pari passu* without any 35 Preference or Priority in respect of the Date of granting the same.

Commis-
sioners of
Supply and
Town
Council
may borrow
from Public
Loan Com-
missioners.

76. It shall be lawful for the Commissioners of Supply of any County, or for the Town Council of any Burgh, to make Appli- 40 cation to the Commissioners acting in the Execution of the Public Act, Fourteenth and Fifteenth Victoria, Chapter Twenty-three, and any Act or Acts amending or continuing the same, for a Loan or Advance on the Security of the said Assessments respec-
tively

tively of any Sum for the Purposes of this Act; and the said last-mentioned Commissioners are hereby empowered, if they think fit, to make such Loan or Advance on the Security of the said Assessments, and to take any such Assignment in Security as
5 aforesaid.

PART III.

77. The Commissioners of Supply of any County, and the Town Council of any Burgh, by whom any such Assignment in Security as aforesaid shall have been granted, shall annually make Payment to the Creditors therein, out of the Assessments
10 levied by them for that Purpose, of Interest at a Rate not exceeding Five Pounds per Centum per Annum on the Sums contained in any such Assignment in Security, and also of such farther Sum to account of the Principal Sum contained in such Assignment in Security as will extinguish the same within the Currency of the
15 Assessments for Extinction of Debt to be levied under the Authority of this Act; and the said Commissioners of Supply and Town Council may, by Agreement with the Persons advancing any Money as aforesaid, determine the Order of Priority in which the several Sums advanced shall be respectively discharged; and the
20 said Commissioners of Supply and Town Council so borrowing any Monies are hereby required to keep an exact and regular Account of all Receipts and Payments in respect of Principal Monies borrowed as aforesaid, and the Interest thereof, in a Book or Books separate and apart from all other Accounts.

Loans to be repaid out of Assessments imposed under this Act.

25 78. No Person lending any Money as aforesaid, and taking an Assignment in Security for Repayment thereof, granted under the Authority of this Act, and executed as herein-before provided, shall be bound to require Proof that the several Provisions of this Act have been duly complied with; and it shall not be competent to
30 any Ratepayer or other Person to question the Validity of any such Assignment in Security on the Ground that such Provisions have not been complied with.

Provision for Protection of Lenders on Security of Assessments.

PART IV.

PART IV.

CONSOLIDATION OF TURNPIKE TRUSTS AND LEVYING OF TOLLS.

35 79. The Commissioners of Supply of any County may at any Special Meeting to be called as herein-before provided, and with the Consent previously obtained of Two Thirds of the Trustees appointed and acting under each Local Turnpike Road Act relating to the County, resolve that the whole Turnpike Road Trusts in the
40 County shall be united and consolidated; and from and after the Date of Adoption of such Resolution the whole Turnpike Roads in
[231.] D the

Turnpike Road Trusts may be united into One Trust for the County.

PART IV.

the County shall be united into One Trust, subject to the Debts, Liabilities, and Obligations of the Trustees under each Local Turnpike Road Act; and all the Trustees appointed and acting under each Local Turnpike Road Act relating to the County shall be entitled to act as Trustees of such united and consolidated Trust; and the said Turnpike Roads shall be managed and maintained by the said Trustees where the County is not divided into Districts, or by District Trustees to be appointed by the said Trustees where the County is divided into Districts; and all Provisions in any Local Acts relating to the Turnpike Roads in the County shall, subject to the Provisions of this Act with respect to the Repeal of Acts, be repealed, so far as inconsistent with this Enactment, and so far as may be necessary to give effect thereto.

Provision
for uniform
Tolls.

80. The Surveyor shall make an annual Report on the Condition of the Turnpike Roads within the County, or within each District where the County is divided into Districts, and a Specification of Works contemplated in connexion therewith, and an Estimate of the Sums required for the Purposes thereof, within the County or within each District, for the Year to which such Report applies; and it shall be lawful for the Trustees to continue or re-adjust the Position of the existing Toll Bars over the different Turnpike Roads in the County, or to alter their Number; and, subject to the Provisions of the General Turnpike Act, First and Second William the Fourth, Chapter Forty-three, it shall be lawful for the Trustees to demand and take, at every Toll Bar within the County, any Tolls not exceeding the Tolls specified in the Schedule (C.) to this Act annexed, and to vary the said Tolls from Time to Time as they think fit, and to fix and determine whether any Animal, Carriage, or Cart for which Toll has been paid at any Toll Bar, shall be allowed to pass or repass such Toll Bar more than once in the same day without Payment of further Toll: Provided that such Tolls shall at all Times be levied at a uniform Rate at every Toll Bar within the County.

Toll to be
paid once
only within
a Distance
of Six Miles.

81. It shall not be lawful to demand or take Payment of Toll, under the Authority of this Act, from the same Person, twice within a Distance of Six Miles, measuring along the Road, within the same County; and the Trustees shall cause to be put up at each Toll Bar a printed or painted Schedule or Table containing the Name of the Toll Bar, with a List of the Tolls payable thereat, and also the Name of every other Toll Bar which shall be cleared by Payment of Toll at such Toll Bar; and in the event of any Toll Bar being situate within a less Distance than Six Miles of any other Toll Bar within the same County, the Trustees shall provide for every

every such Toll Bar Tickets denoting the Payment of Toll, and mentioning the whole Toll Bars within such Distance; and One of such Tickets shall be delivered to the Person paying the Toll, and which shall also have printed or written thereon the Day of the
 5 Month on which the same is delivered; and on the Production of such Ticket at any Toll Bar cleared by the Payment of the Toll at the Toll Bar where such Ticket was delivered on the same Day, the Persons producing the same shall pass through such other Toll Bar without paying any additional Toll.

PART IV.

- 10 **82.** The net Revenues arising from the Tolls levied at the whole Toll Bars within the County, after Deduction of the Expenses of letting and collecting the Tolls, and any other Expenses incidental thereto, shall form One common Fund for the Maintenance and Repair of all the Turnpike Roads within the County, subject to such
 15 Provision in regard to the Payment of the Interest of Debt as the Trustees may direct; and where the County is divided into Districts such net Revenues shall be allocated by the Trustees among the various District Trustees, for the Maintenance and Repairs of the Turnpike Roads within their respective Districts.

Application of Revenues from Tolls.

20

PART V.

PART V.

MAINTENANCE OF ROADS BY ASSESSMENTS.

- 83.** The Provisions of this Act with respect to the Abolition of Statute Labour and levying of Assessments on Lands and Heritages, or with respect to the Abolition of Tolls and levying of Assessments
 25 on Lands and Heritages and repeal of Local Acts, shall not come into operation or be in force in any County or Burgh unless and until the Debts affecting the Statute Labour Roads in the Case of Abolition of Statute Labour, and the Debts affecting the Turnpike Roads in the Case of Abolition of Tolls, have been valued and ascertained, and
 30 Provision has been made for Payment of such Debts, as specified in this Act.

As to Adoption of Provisions for Abolition of Statute Labour and Tolls.

SECTION 1.—*Abolition of Statute Labour and levying of Assessments on Lands and Heritages.*

- 84.** From and after the Fifteenth Day of May next following the
 35 Date at which the Debts affecting the Statute Labour Roads in any County or Burgh have been valued and ascertained, and Provision has been made for Payment of such Debts as specified in this Act, all Statute Labour Service, and Payments of Money by way of Conversion thereof, and all Assessments theretofore leviable for the Maintenance
 40 of Bridges within such County, shall cease and determine, and such Statute Labour Service, Payments and Assessments, shall be and are hereby abolished, except in so far as such Statute Labour Service, Pay-

Statute Service and Conversion and Bridge Money to be abolished.

PART V.

ments or Assessments, may at the said Fifteenth Day of May have been imposed or may have become due.

Surveyor to report on Condition of Roads and Highways, and estimate Sums required for the Purposes of Highways.

85. The Surveyor shall, within Six Months after his Appointment under this Act, make up and deliver to the Clerk of the Trustees, or, where the County is divided into Districts, to the 5 Clerks of the District Trustees respectively, a Report of the Condition of the Highways within each County or District, a Specification of Works contemplated in connexion therewith, and an Estimate of the Sums required for the Purposes of the Highways within each District for the Year from the Fifteenth Day of May 10 immediately following the Date of Adoption of this Act to the Fifteenth Day of May in the Year succeeding; and the Surveyor shall in like Manner make up and deliver to the Clerk of the Trustees and the Clerk of the District Trustees respectively a similar Report and Specification and Estimate for each succeeding 15 Year; and where the County is divided into Districts the District Trustees shall, within Fourteen Days after the Receipt thereof, consider such Report and Estimates, and shall report the same, along with the Amount required to be expended on such Highways, to the Trustees, not later than One Month prior to the Annual 20 Meeting of the Trustees.

Trustees to meet and consider Reports of District Trustees.

86. The Trustees shall hold an Annual Meeting, on such Day as they may fix, for the Purpose of considering the Reports, Specifications, and Estimates of the Surveyor, and the Reports of the District Trustees, and shall consider and review the same; but it 25 shall not be competent to alter or reverse any Report or Resolution of any District Trustees, except by the Votes of Two Thirds of the Trustees present at such Meeting.

Assessment for Maintenance of Highways.

87. Where a County is not divided into Districts, or where the Commissioners of Supply have determined, in the Case of a County 30 which is divided into Districts, that Assessments shall be levied at a uniform Rate on the whole County, it shall be lawful for the Trustees to impose and levy an Assessment on the whole Lands and Heritages in the County, (exclusive of any Burgh in which Parts Third, Fifth, and Seventh of this Act, so far as applicable, have been 35 adopted,) at such Rate as shall produce the required Amount for the County, including Expenses of Assessment and Collection, and Arrears of preceding Years; and when a County is divided into Districts, and the Commissioners of Supply have determined that separate Assessments shall be levied in each District, it shall be 40 lawful for the Trustees to impose and levy an Assessment on the whole Lands and Heritages in each District, (exclusive of any Burgh in which Parts Third, Fifth, and Seventh of this Act, so far

as applicable, have been adopted,) at such Rate as shall produce the Amount required in such District, including Expenses of Assessment and Collection, and Arrears of preceding Years.

PART V.

88. If the County be divided into Districts, and any Bridge is situated partly in one District and partly in another, the Expense of maintaining or rebuilding such Bridge shall be borne in equal Moieties by the Districts in which such Bridge is situate, and the Assessments for Payment of such Expense shall be imposed and levied accordingly.

Expense of maintaining Bridges partly situate in Two Districts.

89. If the County is not divided into Districts, the Assessments shall be applied and expended by and under the Direction of the Road Committee; and if the County be divided into Districts the Assessments levied in each District, or the Proportion of the general Assessments allocated to each District, as the Case may be, shall be applied and expended by the District Trustees for such District; and the Road Committee and the District Trustees respectively shall report a Statement of their Accounts for the preceding financial Year to the Annual General Meeting of the Trustees.

Expenditure of Assessments.

SECTION 2.—*Abolition of Tolls and levying of Assessments.*

90. It shall be lawful for the Commissioners of Supply of any County at a Special Meeting to be called as herein provided, and of which Meeting and the Object thereof Notice shall be given by special Advertisement, to resolve, by the Votes of at least Two Thirds of the Commissioners of Supply who are present at such Special Meeting, that the Toll Bars on all or any of the Turnpike Roads within the County shall, from and after the Date to be specified in such Resolution, be removed, and that the Roads from which the Toll Bars are removed shall be Highways free of Toll, and that the Funds for the Maintenance and Repair of the said Roads shall thenceforth be raised by Assessment on the Lands and Heritages in the County or in the District in which such Roads are situate, or on Lands and Heritages in the County or in such District, and on Horses, as herein-after provided; and the Commissioners of Supply shall in such Resolution fix and determine the Limits of each such District for the Purposes aforesaid.

Commissioners of Supply may resolve to abolish Tolls in the County.

91. From and after the Date to be specified in such Resolution, it shall be lawful for the Trustees to impose and levy Assessments for the Maintenance and Repair of the Roads from which the Toll Bars are removed, and which are declared to be Highways, on the Lands and Heritages in the County or in the District in which such Roads are situate, (exclusive of any Burgh in which Parts Third,

Assessments to be levied for Maintenance and Repair of Roads.

PART V.

Fifth, and Seventh of this Act, so far [as applicable, have been adopted,) or on the Lands and Heritages in the County or in such District, (exclusive of any such Burgh,) and on Horses, as they may determine, in the same Manner in all respects as is herein-before provided with respect to Assessments for the Maintenance 5 and Repair of the other Highways in the County.

Provision
for Sale of
Toll Houses.

92. It shall be lawful for the Trustees, if and when they see fit, to sell or otherwise dispose of and to convey all or any of the Toll Houses and Sites thereof, and Lands, Gardens, Gates, Weighing Machines, and other Property appertaining thereto, by this Act 10 vested in the Trustees, in such Manner as they may think fit, and for the best Price that can be obtained; and the Proceeds of such Sales, and the Rents and Proceeds of such Property while the same remain unsold, shall be applied towards Payment of the Turnpike Road Debts, or, if such Debt, be paid off at the Time, 15 towards the other Purposes of this Act: Provided that before any such Toll House, or the Lands and Premises attached thereto, are sold, they shall respectively be offered in the first instance to the Proprietor of the adjoining Lands, and if such Proprietor choose to purchase the same the Price (unless the Trustees and such 20 Proprietor shall agree upon the same) shall be fixed by the Valuation of an Arbiter or Arbiters, to be mutually chosen by such Proprietor and the Trustees, and, in the Case of such Arbiters differing in opinion, of an Oversman, to be appointed by them; and the Expense of such Reference and Award shall be borne by 25 the Parties equally, unless the Arbiters, or, in case of Difference between them, the Oversman, shall otherwise determine.

CLAUSE G.
Abolition
of Tolls
in Burghs.

93. From and after the Date at which Parts Third, Fifth, and Seventh of this Act, so far as applicable, shall come into operation in any Burgh, the Toll Bars within the Boundaries of such Burgh shall be removed, and all Powers of levying Tolls therein shall 30 cease and determine, and the Roads from which the Toll Bars are removed shall be Highways free of Toll.

SECTION 3.—*Assessments in Counties.*

Commis-
sioners of
Supply to
fix maxi-
mum Rate
of Assess-
ments.

94. The Commissioners of Supply of any County shall in any 35 Resolution to adopt the Provisions of this Act with respect to the Maintenance of Highways by Assessment, or with respect to the Abolition of Tolls and Maintenance of Turnpike Roads by Assessment, fix and determine the maximum Rate at which such Assessments shall be imposed on Lands and Heritages in the 40 County or any District thereof, and it shall not be lawful for the Trustees to impose and levy any Assessments for either of the said Purposes

Purposes at a Rate higher than the maximum Rate fixed in such Resolution; and the Commissioners of Supply may from Time to Time resolve to vary and alter such maximum Rates at any Meeting or Meetings specially called for that Purpose; and Notice of such
5 Meetings, and the Intention to propose such Alteration of the maximum Rates shall be given by special Advertisement.

95. Where in any County or District, (exclusive of any Burgh in which Parts Third, Fifth, and Seventh of this Act have been adopted,) the Lands and Heritages assessed under the Provisions
10 of this Act for the Maintenance and Repair of Highways include any Mines, Quarries, Works, or Premises in which any Trade or Manufacture is carried on, the Trustees or District Trustees may present a summary Application to the Sheriff, accompanied by a
15 Certificate by the County Road Surveyor, to the Effect after mentioned, such Certificate and Application setting forth that the Injury to the Highways, or to any Portion thereof, within such County or District, by the Traffic arising from any such Mine, Quarry, Work, or Premises, exceeds double, Three Times, or Four Times (as the Case may be) the Amount of Assessment imposed at the ordinary
20 Rates for Maintenance and Repair of Highways in such County or District, and praying for the Remedy after provided; and the Sheriff shall direct Intimation of such Application to be given to the Person or Persons liable to be assessed in respect of such Lands and Heritages, and upon hearing Parties (if they desire to
25 be heard), and after such Inquiry as in the Circumstances he may consider necessary, he shall decide on such Petition, and shall find whether the alleged Damage exceeds double, Three Times, or Four Times (as the Case may be) the Amount of ordinary Rating as aforesaid; and such Deliverance shall be final, and not subject to
30 Review; and the Sheriff may award Expenses to either Party in such Application, and find either Party liable therein, and decern accordingly: Provided that it shall not be competent to assess for any Damage exceeding in Amount Four Times the ordinary Rating as aforesaid.

Extra Rates on Mines, Quarries, and Public Works in certain Cases.

35 96. Any such Mine, Quarry, Work, or Premises so assessed at such additional Rate, shall remain subject to the same in each succeeding Year, until relieved thereof as herein-after provided; and the Sheriff, on a summary Application for Relief by the Owner or Tenant or Occupier of the same, shall appoint Intimation to the
40 County Road Surveyor, and shall, if he see Cause, hear Parties, and take all other Proceedings competent in the Case of any Application by the Trustees or District Trustees, to have such additional Rate imposed; and his Deliverance thereon shall be final,

Power to reduce such extra Rates.

PART V.

and not subject to Review, and an Extract thereof furnished to the County Collector shall be a sufficient Warrant to him to deduct and discontinue the Levy of such additional Rates to the Extent and in the Terms of the Deliverance of the Sheriff.

Detached
Parts of
Counties to
form Part of
the County
by which
they are
surrounded.

97. All detached Parts of Counties shall, for the Purposes of this Act, be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary; and it shall be lawful for the Sheriff of the County by which any detached Part of another County is so surrounded to act as Sheriff in all things whatsoever relating to the Provisions of this Act concerning such detached Part, and all the Provisions of this Act in regard to the Qualification and Appointment of Trustees, and to their Rights, Powers, Privileges, Liabilities, and Immunities, shall apply to such detached Part of a County as if it were an integral Part of the County by which it is surrounded or partly surrounded as aforesaid, and the Trustees, District Trustees, and whole Officers and Servants thereof shall have the same Powers in the Execution of their Duties over such detached Parts of a County as they have over the County by which it is surrounded or partly surrounded.

Assessment
of detached
Parts of
Counties.

98. In imposing and levying any Assessment for the Purposes of this Act, the Trustees shall include all such detached Parts of other Counties in the Assessment for the County by which they are so surrounded, and they shall exclude from any such Assessment all such detached Parts of their own County.

Assessments
for Main-
tenance and
Repair of
Highways.

99. All Assessments imposed under the Authority of this Act for the Maintenance and Repair of Highways in any County or District shall be levied and paid in either of the following Modes, as may be determined by the Commissioners of Supply in their Resolution to adopt this Part and Section of this Act; that is to say,—
First, An Assessment of Twopence in the Pound on the yearly Rent or Value of the Lands and Heritages in the County or in the District, as the Case may be, to be levied on and paid by the Tenants or Occupiers of such Lands and Heritages in lieu of Statute Labour Conversion Money, and an Assessment for such further Sum as may be required for the Maintenance and Repair of the Highways, to be levied and paid in equal Proportions, one Half on and by the Proprietor and the other Half on and by the Tenant or Occupier of such Lands and Heritages; or, Second, An Assessment, to be levied and paid in equal Proportions, one Half on and by the Proprietor and the other Half on and by the Tenant or Occupier

Occupier of the Lands and Heritages in the County or in the District, as the Case may be. PART V.

100. Where the Name of the Tenant or Occupier is not set forth in the Valuation Roll applicable to any Lands and Heritages on which any Assessment is imposed under the Authority of this Act, or where the annual Value of such Lands and Heritages is in the Valuation Roll stated to be less than Four Pounds, the whole of the Assessment imposed on such Lands and Heritages shall be levied on and paid by the Proprietor. Assessments in certain Cases to be paid by Proprietors.

101. All Assessments imposed under the Authority of this Act may, with the Exceptions specified in the immediately preceding Section, be levied on and recovered from the Tenant or Occupier of the Lands and Heritages assessed, but such Tenant or Occupier shall be entitled to deduct the Sum paid by him beyond the Proportion for which he is liable from the first Rent payable to the Proprietor of the Lands and Heritages assessed : Provided that this Enactment shall not prejudice or affect any Obligations under Leases existing at the Date of Adoption of this Act. Tenants to pay Assessments, and deduct Proprietor's Proportion from their Rents.

102. The Trustees may, on the Ground of the Poverty or Inability to pay of any Person liable in any Assessment under this Act, remit Payment of such Assessment by such Person, in whole or in part, as the Trustees shall in their Discretion think just and reasonable ; but no such Remission shall be made on any other Ground whatsoever. Trustees may grant Relief from Assessments on the Ground of Poverty.

103. All Assessments imposed under the Authority of this Act shall be deemed and taken to be for the Year from the Fifteenth Day of May preceding the Date of imposing the same, and shall be imposed according to the Valuation of the Lands and Heritages in the Valuation Roll in force for the Year in which such Assessment is made, and shall be made payable on or before the First Day of January then next ensuing, and the Trustees shall fix a Day, not being less than Fourteen Days preceding the Day on which such Assessment is payable, on or before which such Appeals by any Parties complaining that they have been improperly assessed may be lodged with the Clerk, and another Day on which such Appeals may be heard ; and all such Appeals shall be heard and determined by the Trustees at Meetings to be held by them for that Purpose, and their Determination thereon shall be final. Mode of making Assessments.

SECTION 4.—*Assessments in Burghs.*

104. All Assessments imposed under the Authority of this Act by the Town Council of any Burgh to whom any Roads or Highways are transferred under the Provisions of this Act, for the Assessments for Roads and Highways in Burghs.

[231.] E Maintenance

PART V.

Maintenance and Repair of such Roads and Highways, shall be levied and paid by the Tenants or Occupiers of the Lands and Heritages within the Burgh as entered in the Valuation Roll, and such Assessments may be imposed, levied, and recovered separately under the Provisions of this Act, or along with and in addition to 5 and as Part of any any other Assessment which the Town Council are by Law authorized to impose and levy for the Maintenance and Repair of Streets, Roads, or Highways within the Burgh.

Burghs
may apply
Funds
towards
Maintenance
of Roads.

105. When in any Burgh there shall be Funds available, and which may be lawfully applied by the Town Council for the Main- 10 tenance of Streets, Roads, or Highways therein under their Management and Control, the Town Council may apply such Funds for such Purposes in aid of the Assessment authorized to be imposed by this Act, or, if such Funds shall be sufficient for such Purposes, the whole or such Part thereof as may be necessary may be so 15 applied, instead of levying an Assessment under the Provisions of this Act.

CLAUSE H.
As to As-
sessments in
the Burgh
of Perth.

106. In the event of Parts Third, Fifth, and Seventh of this Act, so far as applicable, being adopted in the Royal Burgh of Perth, the several Assessments leviable under the Authority of 20 this Act for or in respect of the Debts affecting the Portions of the Turnpike or Statute Labour Roads within the said Burgh and Interest thereon, and for or in respect of the Maintenance, Management, or Repair of Roads or Streets within the said Burgh, shall be imposed and levied on and from the Tenants or 25 Occupiers of all Lands and Heritages situate within the Royalty and the Parliamentary Boundaries of the said Burgh respectively, in such Manner and in such Proportions as the Magistrates and Council of the said Burgh may from Time to Time determine.

SECTION 5.—*Recovery of Assessments.*

30

Assessment
Rolls to be
made up.

107. The Clerk to the Trustees and the Town Clerk of any Burgh respectively shall make up Assessment Rolls according to the Valuation Roll, in which shall be set forth the Names of the Persons in the County and Burgh respectively liable for the Assessment imposed, and the Sums payable by them respectively, 35 and the gross Amount of such Assessment; and such Assessment Roll for the County shall be signed by the Clerk and by Two Trustees; and such Assessment for the Burgh shall be signed by the Provost or Chief Magistrate and Town Clerk; and such Assessment Rolls shall thereafter remain in the Office of the Collector, open to 40 the Inspection of all Persons interested, at all reasonable Times, without Fee or Reward; and any Omissions in such Assessment Roll may be supplied by means of a supplemental Roll.

108. In

PART V.

Mode of making up Assessment Rolls.

108. In making up such Assessment Rolls, the Assessment for Payment of Road Debts and Interest, the Assessment for Maintenance, Repair, and Management of Highways, the Assessment for Improvement of existing Highways, Roads, or Bridges, or for making new Roads or Bridges, and any other Assessment by this Act specially authorized, shall be separately distinguished.

Certified Copies of Valuation Roll to be delivered to the Clerk.

109. To enable the Trustees and the County Road Clerk to make up the Assessment Rolls for the Purposes of this Act, the Clerk of Supply for the County, and the Town Clerk of every Burgh therein, shall, on Payment of such reasonable Fees as may, in case of Difference, be fixed by the Sheriff, and within Three Weeks after being so required in Writing by the County Road Clerk, deliver to him a Copy, certified under the Hand of such Clerk of Supply or Town Clerk, of the Valuation Roll in force for the Time within the County or such Burgh respectively; and such Copy may be either written or printed, or partly written and partly printed.

Notice of Assessment to be given.

110. Public Notice shall be given by an Advertisement signed by the Clerk, and published in a local Newspaper, of the Rates of Assessment to be levied under the Authority of this Act on Proprietors and on Tenants or Occupiers respectively, distinguishing the Rates assessed for the several Purposes aforesaid; and such Notice shall state the Time or Times and Place or Places of Payment of the Assessments, and require Payment to be made to the Collector accordingly.

Exemption of public Buildings from Assessment.

111. No Assessment shall be imposed or levied under the Authority of this Act for or in respect of any House or Building, or Portion of a House or Building, exclusively used for Religious Worship or Charitable Purposes, or as a Schoolhouse, Reformatory, House of Refuge, Poor's House, Public Lunatic Asylum, Town House, Sheriff, Burgh, or Justice of the Peace Court House, Town or County Prison, Police Station or Lock-up House.

Notice of Assessment to be given to Defaulters before taking Proceedings for Recovery.

112. If any Person shall fail to pay any Assessment due by him at the Time when the same is payable under the Provisions of this Act, the Collector, before taking any legal Proceedings for Recovery thereof, shall deliver, or forward through the Post Office, a Notice in Writing addressed to such Person, requiring him to make Payment of such Assessment within Seven Days after the Delivery of such Notice, or the Despatch of the same through the Post Office.

Recovery of Assessment under summary

113. It shall be lawful for the Collector, in his own Name, but on behalf and at the Expense of the Trustees, to recover any Assessment or Arrears of Assessment due by any Person or Persons,

PART V.
 Warrant by
 Poinding
 and Sale.

either according to the ordinary Procedure before any competent Court, or by obtaining from the Sheriff a summary Warrant to recover the same, with the Addition of Ten per Centum thereon in lieu of any Costs which have been or may require to be incurred, from the Person or Persons respectively liable in Payment of such 5 Assessment, which Warrant the Sheriff shall grant, on Production of an Extract from the Assessment Roll, made up in pursuance of the Provisions of this Act, of the Entries therein relating to such Person or Persons, showing the Amount or respective Amounts due by him or them, and a Certificate by the Collector that he had 10 given to such Person or to each of such Persons a Notice requiring him to make Payment of the Amount due by him within Seven Days after the Delivery or Despatch of such Notice, as hereinbefore provided, that the said Period had expired, and that the said Amount had not been paid, and was still due; and such 15 Warrant shall authorize the Collector to cause any Officer of the Court to enter into the Premises of the Person or Persons named in such Extract, and to poind, seize, and remove or secure any Goods and Effects therein belonging to or in the lawful Possession of such Person or Persons, or so much thereof as will satisfy 20 and pay the Amount or respective Amounts due by him or them respectively, with the Addition of Ten per Centum thereon in lieu of Costs, and shall also authorize the Collector, after the Lapse of Four Days, in the event of Nonpayment of the said Amount or respective Amounts and Costs, to cause any Officer of Court or 25 licensed Auctioneer to sell and dispose of the said Goods and Effects, and shall further authorize the Collector, on receiving Payment of the Price of the said Goods and Effects, to apply the same in Payment of the Amount or respective Amounts due by such Person or Persons, and Addition of Ten per Centum thereon 30 respectively.

Assessments
 to be re-
 mitted
 within Six
 Months.

114. The Persons charged with the levying and collecting of any Assessments under the Authority of this Act shall remit the same to the County Road Clerk, free of all Expense, and at the Risk of the Remitters; and Interest at the Rate of Five Pounds per Centum 35 per Annum shall be due and payable on any Portion of an Assessment which shall not be so remitted within Six Months after the Receipt thereof by the Person collecting such Assessment.

Monies to
 be lodged in
 Bank.

115. All Monies received by the Trustees or District Trustees, under the Authority of this Act, shall, on Receipt thereof, be paid 40 by the Person receiving the same on behalf of the Trustees or District Trustees into a Bank incorporated by Act of Parliament or Royal Charter, or Branch thereof, to be for that Purpose appointed by the Trustees or District Trustees.

116. All

116. All Cheques or Drafts on the Bank Account kept by the Trustees or District Trustees shall be signed by the Clerk or District Clerk, and countersigned by One of the Trustees or District Trustees, as the Case may be, appointed for the Purpose; and the
 5 Clerk or District Clerk shall make no Drafts on such Accounts for any other Purpose than the Payments which shall from Time to Time be authorized by the Trustees or District Trustees.

PART VI.
 —
 Drafts on Bank Account kept by Trustees or District Trustees.

117. The Accounts of the Trustees and District Trustees shall be audited annually by an Auditor appointed by the Trustees for that
 10 Purpose, and an Abstract of such Accounts shall be published by the Trustees annually, at least Ten Days before each Annual General Meeting.

Accounts to be audited.

PART VI.

PART VI.

ASSESSMENTS ON HORSES.

118. When the Commissioners of Supply of any County or the Town Council of any Burgh have resolved to adopt this Part of this Act, and when, under the Provisions of this Act or of any Local Act relating to such County or Burgh, Tolls have been abolished in such County or Burgh, and Provision has been made for the Maintenance and Repair of the Roads therein by Assessments on Lands and Heritages, it shall be lawful for the Trustees appointed and acting under this Act or under any Local Act relating to such County, and for the Town Council of such Burgh respectively, to levy an
 20 Assessment on all Horses and Mules kept and used within the County or Burgh respectively, and assessed under any Revenue Act during the Year for which such Assessment is leviable, not exceeding the Rates specified in the Schedule (D.) to this Act annexed.

Assessment may be levied on Horses.

119. Her Majesty's Commissioners of Inland Revenue, when required by the Clerk to the Trustees under this Act or under any such
 30 Local Act, or the Town Clerk of any Burgh, shall furnish to him, on or before the First Day of December in each Year, a certified List showing the Number of Horses and Mules assessed under any Revenue Act within such County or Burgh, and the Parties liable for the same; and such List, certified by the Surveyor or Collector or other
 35 principal Officer or Officers of Inland Revenue within the County or Burgh, shall be sufficient Evidence of the Liability of the Persons mentioned therein; and such Surveyor, Collector, or other Officer shall be entitled to receive a Fee not exceeding Twenty Shillings for each such List furnished by him.

Commissioners of Inland Revenue to furnish Lists of assessed Horses.

PART VII.
Recovery and Application of Assessments on Horses.

120. The Assessments on Horses and Mules shall be deemed and taken to be for the Year from the Fifteenth Day of May preceding the Date of imposing the same, and may be levied and recovered on and from the Persons keeping and using the Horses and Mules, by the County Road Trustees or the Town Council of any Burgh in the same Manner as is herein provided with respect to the Recovery of Assessments on Lands and Heritages by this Act authorized to be levied, and by the Trustees appointed and acting under such Local Act in the same Manner as is therein provided with respect to the Recovery of the Assessments thereby authorized to be levied; and the Money received on account of the Assessments on Horses and Mules shall be applied towards defraying the Expense of the Maintenance and Repair of the Roads and Highways in such County or Burgh respectively. 5 10

PART VII.**PART VII.**

15

MANAGEMENT OF ROADS.

Trustees to manage Highways.

121. From and after the Date at which the Provisions of this Act with respect to the Maintenance and Repair of Highways by Assessment shall come into operation, the whole Highways and Highway Bridges within the County, including any Roads and Bridges which were formerly under the Management of the Commissioners of Highland Roads and Bridges, and have been transferred to and vested in the Commissioners of Supply or the Road Trustees of the County, shall form One general Trust, and shall be managed and maintained by the County Road Trustees and the Road Committee; and all the Roads, Bridges, Lands, Buildings, Works, Rights, Interests, Monies, Property and Effects, Rights of Action, Claims and Demands, Powers, Immunities, and Privileges whatsoever, except as herein-after provided, vested in or belonging to the Trustees of any Highway or Highway Bridges within the County, or the Commissioners of Supply or Road Trustees of the County, shall become and be, by virtue of this Act, transferred to and vested in the County Road Trustees, who shall be liable in all the Debts, Liabilities, Claims, and Demands in which the Trustees of such Highways or Highway Bridges, or such Commissioners of Supply or Road Trustees, are or were liable under any Public or Local Act then in force, except in so far as such Debts, Liabilities, Claims, and Demands may, under the Provisions of this Act, be discharged or extinguished. 20 25 30 35

Trustees to manage Turnpike Roads.

122. From and after the Date at which the Provisions of this Act with respect to the Maintenance of Turnpike Roads by Assessment 40

Assessment shall come into operation, the whole Turnpike Roads within the County shall form One general Trust, and shall be managed and maintained by the County Road Trustees and the Road Committee; and all the Roads, Bridges, Lands, Buildings, Works, Rights, Interests, Monies, Property and Effects, Rights of Action, Claims and Demands, Powers, Immunities, and Privileges whatsoever, except as herein-after provided, vested in or belonging to the Trustees of any Turnpike Roads within the County, shall become and be, by virtue of this Act, transferred to and vested in the County Road Trustees, who shall be liable in all the Debts, Liabilities, Claims, and Demands in which the Trustees of such Turnpike Road are or were liable under any Public or Local Act then in force, except in so far as such Debts, Liabilities, Claims, and Demands may, under the Provisions of this Act, be discharged or extinguished.

123. The Trustees may at any Special Meeting, by the Votes of at least Two Thirds of the Trustees who are present at such Meeting, alter the Number or Limits of the Districts fixed by the Commissioners of Supply in their Resolution to adopt Parts of this Act: Provided that Notice of the Intention to propose any such Alteration shall be given by special Advertisement and by Circular forwarded by Post to each Trustee at his last known or usual Address at least Two Months previous to such Special Meeting.

124. Notwithstanding any of the Provisions herein contained in relation to the Management of Turnpike Roads and of the Revenues thereof, where any Trust embraces a Turnpike Road partly situate in more than One County, the Portion thereof within each such County shall be vested in and managed by the Trustees and Road Committee or District Trustees, if the Counties are divided into Districts, of the respective Counties in which such Portion is situate, except so far as regards any Portion of such Road which may be situate in a County which has not adopted the Provisions of this Act in regard to the Maintenance of Turnpike Roads by Assessment; and where any County has not adopted the Provisions of this Act in regard to the Maintenance of Turnpike Roads by Assessment, or the Provisions relating to the Consolidation of Turnpike Trusts, the Portion of any such Turnpike Road situate therein shall continue to be managed in the same Way as was heretofore in use prior to the passing of this Act; and the whole Assets of any such Trust shall, except as herein-after provided, be divided among the Trustees of the respective Counties, when they have each adopted any of the Parts of this Act, or, where One or more of them has not adopted any of the Parts of this Act, among the Trustees con-

PART VII. — tinuing to manage the Portion of such Road within such County, and the Trustees of the County which has adopted any of the Parts of this Act, and the Burghs respectively situated therein, in the Proportion in which the Debt affecting such Turnpike Trust shall be valued and allocated among such Counties and Burghs respectively, 5 under the Provisions of this Act: Provided that all Works and Buildings belonging to any such Trust locally situate within any such County or Burgh shall remain the Property of the County or Burgh or of the Trust continuing to manage the Portion of the Road within such County or Burgh, as the Case may be, within 10 which such Buildings are situate.

Roads or
Highways
may be
shut up for
Repairs.

125. The Road Committee or District Trustees, on a written Report from the Surveyor that it is necessary to shut up for a limited Period any Road or Highway within the County or District, for the Purpose of repairing the same, may from Time to Time 15 authorize the shutting up of such Road or Highway for such Period as they may deem necessary: Provided that Notice of the Intention so to shut up such Road or Highway shall be given by special Advertisement at least One Month before such Road or Highway shall be so shut up. 20

On Declara-
tion of
Trustees
Highways
may cease to
be such, and
other Roads
may become
Highways.

126. The Trustees may, on a written Report from any District Trustees, or from the Surveyor, resolve and declare at any Annual General Meeting that any Highway shall cease to be a Highway within the Meaning and for the Purposes of this Act, or that any Parish or other Roads which, prior to the Date of Adoption of this 25 Act, had not been maintained by Statute Labour, or out of the Payments of Money by way of Conversion thereof, shall be Highways within the Meaning and for the Purposes of this Act: Provided that Notice shall be given by the Clerk of the Intention to make such Declaration by special Advertisement, and also by 30 printed Notices affixed to the Church Door of every Parish in which any Part of such Roads or Highways are situate at least One Month before the Date of the Meeting at which such Declaration is to be made.

Highways
ceasing to be
Highways
may be shut
up.

127. After a Highway has ceased to be a Highway the Trustees 35 may, by the Votes of Two Thirds of the Trustees who are present at any Annual General Meeting, direct it to be shut up, and may sell or dispose of the Ground occupied by such Highway or any Part thereof, or may exchange the same with the Owner of any adjoining Land for any other Land they may require for the Purposes of a 40 Highway: Provided that in the Case of a Sale of such Ground or any Part thereof the Trustees shall first offer the same to the Person

Person or Persons whose Lands immediately adjoin thereto, and if such Person or Persons refuse to purchase the same, whether on account of the Price or otherwise, they shall proceed in the Manner directed by the Public Act, First and Second William the Fourth,
 5 Chapter Forty-three, in regard to the Sale and Disposal of Turnpike Roads, and the Price or Prices shall be applied towards the Expense of the Maintenance and Repair of any Highway or Highways within the County or within the District in which the Ground sold is situate.

128. Where the Proprietors of Lands and Heritages in any
 10 County in which the Provisions of this Act have been adopted are desirous of forming a new Road or constructing a new Bridge, they may apply to the Trustees to sanction the same, and the Trustees may, at any General or Special Meeting, resolve that such new Road or Bridge shall be formed, and may require such Pro-
 15 prietors to provide such Proportion as the Trustees think fit of the Expense of such new Road or Bridge, as a Condition of the Formation and Construction of the same; and the Expense of such Formation and Construction, so far as payable by the Trustees, shall be raised by an Assessment to be imposed and levied by the
 20 Trustees on the Proprietors of Lands and Heritages in the County or District within which such new Road or Bridge is situate, and such Assessment shall not extend over a longer Period than Ten Years: Provided that it shall not be lawful for any Trustee elected under the Provisions of this Act to vote at any Meeting of Trustees
 25 on any Question relating to the Formation of a new Road or the Construction of a new Bridge.

Expense of new Roads and Bridges to be paid by the Trustees and Promoters.

129. Where Parts Third, Fifth, and Seventh of this Act, so far as applicable, have been adopted in any Burgh, and none of the Parts or Sections of this Act have been adopted in the County
 30 in which such Burgh is situate, the Town Council and the Trustees acting under the Acts relating to any Turnpike Road which is situate partly in the Burgh and partly in the Landward Part of the County may enter into Agreements with respect to the Valuation and Ascertainment of the Debt on such Turnpike Road and
 35 the Proportions in which such Debt shall be allocated and charged on the Lands and Heritages situate in the Burgh and in the landward Part of the County respectively; and the Sums so agreed upon shall be held to be the Proportions of such Debt as valued and allocated under the Provisions and for the Purposes of this Act.

CLAUSE C. Agreements may be made between Town Council and Turnpike Road Trustees.

- 40 130. In the event of the Proportions of the Debt on such Turnpike Road to be charged on the Lands and Heritages situate in the Burgh and in the landward Part of the County respectively

CLAUSE D. Clerk to Turnpike Road Trust to take Pro-

PART VII.

Proceedings for
valuing
Debt.

not being agreed on, the Clerk to the Trustees acting under the Acts relating to such Turnpike Road shall be bound, on receiving a Requisition in Writing to that Effect under the Hand of the Town Clerk of the Burgh, to take all such Proceedings before the Accountant as are herein-before provided for the Purpose of valuing and ascertaining the Debt on such Turnpike Road, and allocating the same on the Burgh and the landward Part of the County respectively; and all the Powers and Duties by this Act conferred and imposed on the Accountant and on the Clerk appointed and acting under this Act with respect to the Valuation and Ascertainment and Allocation of Debts shall and may in such Event be exercised by and be incumbent on the Accountant and the Clerk to the said Trustees with respect to the Valuation and Ascertainment and Allocation of the Debt on such Turnpike Road.

Town Council or Commissioners of Police to manage Roads and Highways within Burghs.

131. From and after the Date at which Parts Third, Fifth, 15 and Seventh of this Act, so far as applicable, shall come into Operation in any Burgh, all the Roads, Bridges, Lands, Buildings, Works, Rights, Interests, Monies, Property and Effects, Rights of Action, Claims, Demands, Powers, Immunities and Privileges whatsoever, except as herein-after provided, vested in 20 or belonging to the Trustees of any Highway or Highway Bridges within such Burgh shall become and be by virtue of this Act transferred to and vested in the Town Council of such Burgh, or in Cases where the Management and Control of the Roads and Streets in any such Burgh are, under the Provisions of any General 25 or Local Police Act, vested in the Magistrates and Council or other Body as Commissioners of Police, then to and in such Commissioners of Police, and the Town Council or Commissioners of Police of such Burgh, as the Case may be, shall, subject to the Provisions of this Act, have the Management and Control of all the Roads, High- 30 ways, and Bridges situate therein, and shall and may exercise all the Rights, Powers, and Privileges of Trustees under this Act, with respect to such Roads, Highways, and Bridges, and may impose and levy Assessments for the Maintenance thereof, and shall also have and may exercise and enforce, with respect to the making, Maintenance, 35 and Repair of such Roads, Highways, and Bridges, the same Powers and Authorities which they respectively have or can exercise or enforce under any General or Local Act with reference to any Roads or Streets within the Boundaries of the Burgh: Provided that where the Statute Labour Roads in any Burgh have, under the Provisions of any Local Act passed previous to the Adoption of this Act by such Burgh, been transferred to the Town Council or Commissioners 40 of Police of such Burgh, the Provisions of such Local Act with respect to the Formation and Maintenance of the Carriageway and

and Foot Pavements of the Roads transferred under the Provisions of such Local Act shall extend and be applicable to the Roads transferred to the Town Council or Commissioners of Police under the Provisions of this Act, in the same Manner and to the same Effect as if such last-mentioned Roads had been transferred under the Provisions of such Local Act.

PART VII.

132. The Trustees of any County in which Parts Third, Fifth, and Seventh of this Act so far as applicable have been adopted, or the Trustees acting under any Local Act relating to any Turnpike Road in any County in which the said Parts of this Act have not been adopted, and the Town Council or Commissioners of Police of any Burgh situate therein in which Parts Third, Fifth, and Seventh of this Act so far as applicable have been adopted, may from Time to Time enter into Agreements with respect to the Removal or setting back of Toll Bars to such Distance from the Boundaries of the Burgh as may be agreed on, and to the Maintenance and Repair of Roads within the Boundaries of the Burgh, or within any Parish in which the Burgh or any Part thereof is situate, on such Terms and Conditions and for such Periods as they think fit; and failing such Agreement the Trustees respectively and the Town Council or Commissioners of Police may submit and refer all or any of such Matters to Arbiters to be mutually chosen, or to an Oversman to be named by such Arbiters in case of their differing in Opinion; and it shall be lawful for the Trustees and the Town Council or Commissioners of Police to apply the Funds levied by them or under their Control respectively in and towards the Payment of such Sums as may be agreed to be paid or contributed by either of the said Parties to the other for the Maintenance and Repair of such Roads.

Trustees and Town Councils may agree as to Maintenance of Roads.

133. It shall be lawful for the Trustees of any County and the Town Council or Commissioners of Police of any Burgh to impose and levy an Assessment for extraordinary Repairs on Highways within such County or Burgh respectively on the Proprietors of Lands and Heritages in the landward Parts of the County or in the Burgh respectively in which such Highway is situate, and such Assessment shall not extend over a longer Period than Ten Years.

Assessment for extraordinary Repairs.

134. It shall be lawful for the Trustees of any County to borrow Money to defray the Expense of the Formation of a new Road or the Construction of a new Bridge, and for the Trustees of any County or the Town Council or Commissioners of Police of any Burgh to borrow Money to defray the Expense of extraordinary Repairs on Highways, and in Security of the Repayment of the

CLAUSE E.
Power to borrow Money for new Roads and Bridges and extraordinary Repairs.

[231.]

G

Money

PART VII. Money so borrowed and Interest thereof to assign the respective Assessments by this Act authorized to be levied for the several Purposes before specified.

Appeal from
Road Com-
mittee and
District
Trustees.

135. Any Member of the Road Committee or any District Trustee or any other Person aggrieved by any Resolution or Proceeding of the Road Committee or of any District Trustees, may appeal therefrom to a General Meeting of the Trustees, on giving Notice of such Appeal, stating the Grounds thereof, to the Clerk to the Trustees in the Case of an Appeal from the Road Committee, or to the District Clerk in the Case of an Appeal from the District Trustees within Eight Days of the Date of the Meeting at which such Resolution or Proceeding was adopted; and the District Clerk shall forthwith transmit any such Notice of Appeal given to him, with a Copy of the Resolution or Proceeding appealed from, to the Clerk of the Trustees; and such Appeals respectively shall be submitted to the First General Meeting of the Trustees which shall be held Fourteen Days after such Notice of Appeal is given to or received by the Clerk to the Trustees, and he shall give Notice to the Appellant and to the District Clerk of the Time and Place of holding such General Meeting, by Letters addressed to them at their usual Residences, and forwarded by Post at least Seven Days previous to such General Meeting; and the Trustees present at such General Meeting shall hear Parties, if Appearance be made by the Appellant or the Road Committee, or the District Trustees, and shall consider and dispose of such Appeal as they think fit, and their Decision thereon shall be final.

Incorporation of
General
Turnpike
and Statute
Labour
Acts.

136. The Provisions of the General Turnpike Road Act, First and Second William the Fourth, Chapter Forty-three, in so far as the same are not inconsistent with this Act, shall extend and apply to all the Turnpike Roads, but not to any of the Highways; and the Provisions of the General Statute Labour Road Act, Eighth and Ninth Victoria, Chapter Forty-three, shall, in so far as not inconsistent with this Act, extend and apply to all the Highways, but not to any of the Turnpike Roads: Provided that, notwithstanding any Resolution or Declaration under the Authority of this Act by which Turnpike Roads shall become Highways, all the Enactments and Provisions of the said Act, First and Second William the Fourth, Chapter Forty-three, (with the Exception of the Provisions thereof relating to Tolls and Toll Bars,) shall continue, so far as not inconsistent with this Act, to be applicable and may be enforced with respect to the Roads so declared to be Highways, by or against the Trustees or other Persons, or otherwise, in the same Manner and to the same Extent as such Enactments and Provisions are applicable and

and might have been enforced in the like Matters before such Resolution or Declaration. PART VIII.

137. In the Construction of the said Act, First and Second William the Fourth, Chapter Forty-three, with reference to this Act, the Words "Trustees under any Turnpike Act," or any similar Words, shall mean and apply to the Trustees and the Road Committee and District Trustees appointed and acting under this Act, in so far as such Application shall not be excluded by the Context, or by the Character or Nature of the Person, Matter, or Thing to which any of the Provisions of the said Act shall relate, or by any of the Provisions of this Act.

Interpretation of Words in General Turnpike Act.

138. All Penalties imposed under the Provisions of this Act may be recovered under the Provisions of "The Summary Procedure Act, 1864."

Recovery of Penalties.

139. All Monies levied and received by the Trustees and District Trustees under the Authority of this Act, on account of Tolls, Assessments, or Penalties, or otherwise, for the Application of which no special Provision is made in this Act, shall be applied as follows :

Application of Monies received under this Act.

First, in Payment of the Salaries and Allowances of Officers and Servants, and the general Expenses of the Management of the Trust ;

Second, in Payment of the Expense of the Maintenance and Repair of the Turnpike Roads, Highways, and Bridges ;

Third, in Payment of Interest on the Debts affecting the Turnpike Roads, Highways, and Bridges, and thereafter towards Payment of the Principal of such Debts :

Provided that no Monies raised or received for the Maintenance and Repair of Highways, or applicable thereto, shall be applied to Turnpike Roads ; and no Monies raised or received for the Maintenance and Repair of Turnpike Roads, or applicable thereto, shall be applied to Highways.

140. Nothing in this Act contained shall affect any existing Arrangements between the respective Trustees of any Turnpike Roads or Highways for the Payment of any Sum or Sums of Money by or to such Trustees, whether under Agreement or Act of Parliament, except as expressly provided by such Agreement or Act ; and all Sums agreed or stipulated to be paid under any such Arrangement shall, for and during the Period specified in such Agreement or Act, be paid accordingly to or by the Parties liable in the same, or to or by the Trustees who shall under the Provisions

Act not to affect existing Arrangements between Trustees of Turnpike Roads or Highways.

PART VII. of this Act be substituted for such Parties respectively, out of the Tolls or Assessments in lieu thereof (as the Case may be) under the Management of such Trustees.

Act not to apply to Roads or Bridges under Control of local Authorities.

141. This Act shall not extend or apply to any Street, Road, Highway, or Bridge which at the Date of Adoption of this Act 5 in any County or Burgh was under the Management and Control of any Town Council, Commissioners of Police, or other local Authority, in virtue of any Public or Local Act of Parliament, or to any Bridge which at the Date of Adoption of this Act was vested in and managed by Trustees under any Local Act, and 10 separate from any Turnpike or Statute Labour Trust, or to any Causeway-mail, Pontages, or other Rates or Assessments leviable on or in respect of any such Street, Road, Highway, or Bridge.

CLAUSE F. Act not to apply to Counties of Lanark and Renfrew or City of Glasgow.

142. This Act shall not extend or apply to any Street, Road or Highway which is wholly situate in the Counties of Lanark or 15 Renfrew, or the City of Glasgow, or any Two or more of those Places, or to any Street, Road or Highway which is partially situate therein, except in so far as may be necessary for fixing and determining the Proportion of the Debt affecting such last-men- 20 tioned Street, Road or Highway to be made chargeable under the Provisions of Part Third of this Act upon any Portion of such Street, Road or Highway which may be situate within any County or Burgh which shall have adopted that Part of this Act, and for the Valuation and Payment of such last-mentioned Proportion of 25 such Debt: Provided that no such Valuation shall in any Manner restrict or affect the Rights or Remedies of the Creditors entitled to such Debt with respect to any other Portion thereof.

Provisions of this Act may be incorporated with any future Acts.

143. Any of the Enactments of this Act may be incorporated with any Act to be passed in any future Session of Parliament; and for the Purpose of incorporating any Enactments of this Act with 30 any Act hereafter to be passed it shall be sufficient to describe such Enactments by a Reference to the Parts, Sections or Clauses of this Act, and to enact that the Parts, Sections or Clauses so described shall be incorporated with such Act, and all the Parts, Sections or Clauses of this Act so described and incorporated shall 35 form Part of such Act, except in so far as the same are thereby expressly varied, and such Act shall be construed as if such Parts, Sections, or Clauses were enacted and inserted therein with reference to the Matter to which such Act relates.

SCHEDULES to which this Act refers.

SCHEDULE (A.) No. 1.

I A.B., Accountant of the Court of Session in Scotland do hereby certify, under the Authority of "The General Roads and Bridges (Scotland) Act, 1865," that [*Name and Designation of Creditor*] is a Creditor in Road and Bridge Debt, [*or Statute Labour Debt, as the Case may be,*] in respect of Monies lent to or for Behoof of [*specify the particular Trust in the Case of Turnpike Debt, and the District or Parish in the Case of Statute Labour Debt*]; valued at the Sum of _____ whereof I have allocated on the landward

10 Part of the County of _____ [or Burgh of _____, as the Case may be] the Sum of _____ all in Terms of the Provisions of the said Act.

Witness my Hand this _____ Day of _____ 18 _____
(Signed) A.B.

15

SCHEDULE (A.) No. 2.

I [C.D.] transfer to [E.F.] my whole Right and Interest under this Certificate.

(Signed) C.D.

SCHEDULE (B.) No. 1.

20 By virtue of "The General Roads and Bridges (Scotland) Act, 1865," we, the Convener and Clerk of Supply of the County of _____ as representing the said County, [*or the Provost or Chief Magistrate, as the Case may be,*] and Town Clerk of the Burgh of _____ as representing the said Burgh] grant us to have borrowed and received from [*Name and Designation of Lender*] the Sum of _____ Pounds, for the Payment of valued Road and Bridge Debt, allocated on the landward Part of the County of _____ [*or District or Burgh, as the Case may be,*] under the Provisions of the said Act: In consideration whereof we assign to the said [*Name of Lender*] his Heirs, Executors, and Assignees, all the Assessments to be raised and paid

30 within the landward Part of the said County [*or within the said District or Burgh, as the Case may be,*] for the Payment and Extinction of Debt under the Provisions of the said Act, in Security of the Payment of the said Sum of _____ Pounds, with Interest thereon at the Rate of _____

[231.] G 3 Pounds

Pounds per Centum per Annum, from the Day of until
Payment of the said Principal Sum, which shall be payable, with the Interest,
at the Rate aforesaid, as follows [*state the Terms of Repayment according*
to the Arrangement]. And we consent to Registration hereof for Preser-
vation and Execution. In witness whereof [*insert Testing Clause*]. 5

SCHEDULE (B.) No. 2.

I [*Name and Designation*] in consideration of the Sum of
Pounds transfer to [*Name and Designation*], and his Heirs, Executors, and
Assignees, an Assignment in Security, numbered [*insert the Number of the*
Assignment], and dated [*insert Date*], granted by the Convener and Clerk of 10
Supply of the County of [*or by the Provost or Chief*
Magistrate and Town Clerk of the Burgh of , *as the Case may be,*]
for [*insert the stipulated annual Payment, and Duration thereof,*] from
the Day of . And I consent to Registration
hereof for Preservation and Execution. In witness whereof [*insert Testing* 15
Clause].

SCHEDULE (C.)

TOLLS.

	£	s.	d.
1. For every Horse or Beast of Draught drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, or Hearse, or any Stage Coach, Long Coach, or Diligence, or any Carriage of the like Kinds - - -	0	1	0
2. For every Horse, Ox or Beast of Draught drawing any Waggon, Wain or Cart, or other such Carriage - - -	0	0	6 25
If Three Horses, Oxen, or Beasts of Draught are drawing any such Carriage, for every such Horse, Ox or Beast	0	0	9
If more than Three Horses, Oxen, or Beasts of Draught are drawing such Carriage, for every such Horse, Ox or Beast - - - - -	0	1	0 30
3. For every Horse, Mule or Ass, laden or unladen, and not drawing - - - - -	0	0	3
4. For every Score of Oxen or Neat Cattle - - - - - And so in proportion for any greater or less Number.	0	1	8
5. For every Score of Calves, Hogs, Sheep, Lambs or Goats - And so in proportion for any greater or less Number.	0	0	10 35
6. For every Score of Horses or Fillies unshod - - - - - And so in proportion for any greater or less Number.	0	2	6
7. For			

7. For all Carriages drawn or propelled by Steam, the same Tolls as are leviable under the "Locomotive Act, 1861."
- 5 8. When the Weight of any Waggon, Wain, Cart or other Carriage, with the Load thereon, amounts to Twenty Hundredweight (of One hundred and twelve Pounds to the Hundredweight), and does not exceed Thirty Hundredweight, double Tolls may be charged and paid; and when the Weight of any Waggon, Wain, Cart or other Carriage, with the Load thereon, exceeds Thirty Hundredweight, treble Tolls may be charged and paid.
- 10 9. In any Case where there is a fractional Part of a Halfpenny in the Calculation of the Amount of any Toll, such fractional Part shall be reckoned and charged as One Halfpenny.

SCHEDULE (D.)

ASSESSMENT ON HORSES AND MULES.

		£	s.	d.
15	1. For every Horse or Mule used in licensed Stage Carriages -	2	10	0
	2. For every Horse or Mule used in licensed Hackney Carriages, or kept for Hire by a licensed Person - - -	2	0	0
20	3. For every Horse or Mule exceeding Thirteen Hands in Height, kept for riding or for drawing a Carriage and chargeable with Duty - - - - -	1	0	0
	4. For every Horse or Mule not exceeding Thirteen Hands in Height, kept for riding or for drawing a Carriage and chargeable with Duty - - - - -	0	10	0
25	5. For every Horse or Mule kept exclusively or principally for carting or drawing Loads and chargeable with Duty -	1	10	0
30	6. For One Horse or Mule used for riding or drawing any Carriage chargeable with Duty, and kept by any Minister, Preacher, or Teacher, or by any Medical Practitioner, or by any Farmer making his Livelihood principally by Husbandry, or kept by or for the Use of any Grieve or Bailiff, Shepherd or Herdsman - - - - -	0	5	0
	7. For each additional Horse or Mule kept by any of the Persons mentioned in Article 6. - - - - -	1	0	0
35	No Assessment to be imposed on any Horse or Mule in any Year for more than One of the Rates above specified.			

Roads and Bridges (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-
COMMITMENT]

To provide for the Management and Main-
tenance of Turnpike and Statute Labour
Roads and Bridges in Scotland.

*(Prepared and brought in by
Lord Elcho, Sir Graham Montgomery, and
Sir Robert Anstruther.)*

*Ordered, by The House of Commons, to be Printed,
20 June 1865.*

[Bill 231.]

Under 7 oz.



A

B I L L

INTITULED

An Act to regulate the Appointment of a Vicar or Incumbent to the Vicarage of the Parish Church of Rochdale in the County of Lancaster and in the Diocese of Manchester.

WHEREAS the Parish of Rochdale in the County of Lan- Preamble.
caster and in the Diocese of Manchester comprises an
Area exceeding Fifty-eight thousand Acres, and con-
tained, at the taking of the Census in the Year One thousand eight
5 hundred and sixty-one, a Population of One hundred and nineteen
thousand five hundred and thirty-one Persons: And whereas the
Endowment of the Vicarage of the Parish Church of the said
Parish mainly consists of certain Glebe Lands, of which the
greater Part has been built upon, and the Residue is valuable
10 for Building Purposes, and the annual Proceeds of the said
Glebe Lands at present exceed the Sum of Four thousand
Pounds, and it is anticipated that such Proceeds will increase in
future Years: And whereas, in addition to such Parish Church,
there are numerous other Churches in the said Parish which
15 are inadequately endowed, and it may be expedient that Pro-
vision should be hereafter made for apportioning such Endow-
ment between the said Parish Church and the Churches of the
several Ecclesiastical Districts or new Parishes which have been
already assigned, constituted, or created, or which may hereafter be
[Bill 252.] assigned,

assigned, constituted, or created, either wholly or in part, within or out of the original Limits of the said Parish of Rochdale, or for otherwise dealing with such Endowment: And whereas the Vicarage of the said Parish Church is in the Patronage of the Bishop of Manchester for the Time being: And whereas it is expedient that no 5 Impediment should be created to the free Action of the Legislature in making such Apportionment or other Dealing with such Endowment, by the Acquisition of vested Interests in the same by any Vicar or Incumbent who may be appointed to the said Vicarage of the Parish Church of Rochdale after the Date of the passing of this Act: Be 10 it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appoint-
ments of
future
Vicars, &c.
to be subject
to Regula-
tions to be
hereafter
enacted.

1. Every Vicar or Incumbent who shall be appointed to the 15 Vicarage of the said Parish Church of Rochdale after the passing of this Act shall accept, take, and hold such Appointment subject to any Regulations or Provisions which may hereafter be enacted by the Authority of Parliament for apportioning the Endowment of the said Vicarage between the Parish Church and the Churches of the 20 several Ecclesiastical Districts or new Parishes which have been already assigned, constituted, or created, or may hereafter be assigned, constituted, or created, either wholly or in part, within or out of the original Limits of the Parish of Rochdale as aforesaid, or for otherwise dealing with such Endowment. 25

Short Title.

2. This Act may be cited for all Purposes as "The Rochdale Vicarage Appointment Act, 1865."

Rochdale Vicarage.

A

B I L L

INTITLED

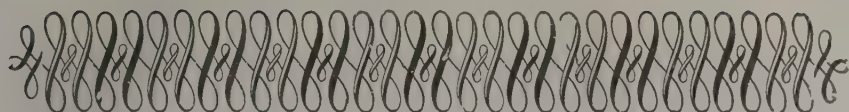
An Act to regulate the Appointment
of a Vicar or Incumbent to the Vicar-
age of the Parish Church of Rochdale
in the County of Lancaster and in
the Diocese of Manchester.

(*Brought from the Lords 29 June 1865.*)

*Ordered, by The House of Commons, to be Printed,
29 June 1865.*

[Bill 252.]

Under 1 oz.



A

B I L L

TO

Substitute an Oath for the Oath required to be taken and subscribed by the Statute passed in the Tenth Year of the Reign of King George the Fourth, for the Relief of His Majesty's Roman Catholic Subjects.

WHEREAS by the Act passed in the Tenth Year of the Preamble.
Reign of King George the Fourth, Chapter Seven, for the 10 G. 4. c. 7.
Relief of His Majesty's Roman Catholic Subjects, it is
provided, that it should be lawful for Persons professing the Roman
5 Catholic Religion to take and subscribe the Oath set forth in the
Second Section of the said Act, instead of the Oaths of Allegiance,
Supremacy, and Abjuration : And whereas by the Act passed in the
Session of Parliament holden in the Twenty-first and Twenty-second 21 & 22 Vict.
Years of Her Majesty's Reign, Chapter Forty-eight, it is enacted, c. 48.
10 that instead of the Oaths of Allegiance, Supremacy, and Abjuration,
where the same were then required by Law to be taken and sub-
scribed, the Oath set forth in the First Section of the said Act should
be taken and subscribed, but that nothing therein contained should
alter or affect the Provisions of the said Act of the Tenth George
15 the Fourth, Chapter Seven : And whereas the Form of Oath con-
tained in the said Act of the Tenth George the Fourth, Chapter
Seven, differs in several Particulars from the Form of Oath contained
[Bill 86.] in

in the said Act Twenty-first and Twenty-second Victoria, Chapter Forty-eight, and it is fit that an Oath should be provided to be taken by Her Majesty's Subjects professing the Roman Catholic Religion as nearly similar to the Oath specified in the said last-mentioned Act as may be practicable: Be it therefore enacted by the Queen's most 5 Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Form of
Oath.

1. Instead of the Oath specified in the Second Section of the said 10 Act, Tenth George the Fourth, Chapter Seven, there shall be substituted the following Oath; that is to say,

' I A. B. do swear, That I will be faithful and bear true Allegiance
' to Her Majesty Queen Victoria, and will defend Her to the
' utmost of my Power against all Conspiracies and Attempts 15
' whatever which shall be made against Her Person, Crown, or
' Dignity, and I will do my utmost Endeavour to disclose and
' make known to Her Majesty, Her Heirs and Successors, all
' Treasons and traitorous Conspiracies which may be formed against
' Her or them; and I do faithfully promise to maintain, support, 20
' and defend, to the utmost of my Power, the Succession of the
' Crown, which Succession, by an Act intituled "An Act for the
' "further Limitation of the Crown, and better securing the Rights
' "and Liberties of the Subject," is and stands limited to the
' Princess Sophia, Electress of Hanover, and the Heirs of Her Body, 25
' being Protestants, hereby utterly renouncing and abjuring any
' Obedience or Allegiance unto any other Person claiming or
' pretending a Right to the Crown of this Realm; and I do declare
' that no Foreign Prince, Person, Prelate, State, or Potentate hath
' or ought to have any Temporal or Civil Jurisdiction, Power, 30
' Superiority, Pre-eminence, or Authority, directly or indirectly,
' within this Realm: And I make this Declaration upon the true
' Faith of a Christian. So help me GOD.'

And the said Oath hereby substituted shall be dealt with to all Intents and Purposes as if it had been incorporated in the said 35 Act of the Tenth George the Fourth, Chapter Seven, in lieu of the said Oath therein contained, and shall be taken and subscribed accordingly.

Roman Catholic Oath.

A

BILL

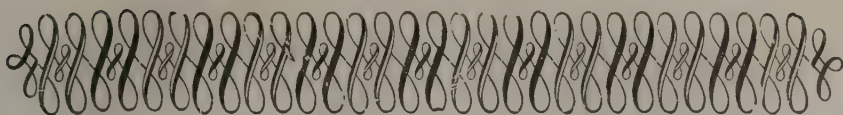
To substitute an Oath for the Oath required to be taken and subscribed by the Statute passed in the Tenth Year of the Reign of King George the Fourth, for the Relief of His Majesty's Roman Catholic Subjects.

*(Prepared and brought in by
Mr. Monsell, Lord John Browne, Sir Colman
O'Loghlen, and Mr. Hennessy.*

*Ordered, by The House of Commons, to be Printed,
21 March 1865.*

[Bill 86.]

Under 1 oz.



A

B I L L

TO

Amend “The Salmon Fishery Act, 1861.”

WHEREAS by the Thirty-third Section of the “Salmon Fishery Act, 1861,” it is provided that it shall be lawful for the Justices of the Peace assembled at any General or Quarter Sessions of the Peace, from Time to Time to
5 appoint Conservators or Overseers for the Preservation of Salmon, and enforcing, for that Purpose, the Provisions of the said Act within the Limits of the Jurisdiction of such Justices: And whereas no Funds are provided by the said Act for carrying into effect the Purposes thereof, and no Provisions are made for securing the
10 Co-operation of the Conservators of different Counties where a River frequented by Salmon borders on or passes through several Counties: And whereas it is expedient to amend the said Act in respect of the foregoing Particulars; and it is also expedient to make further Provisions for the Removal of illegal fixed Engines,
15 and otherwise to amend the said Act: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

- Short Title of Act. **1.** This Act may be cited for all Purposes as "The Salmon Fishery Act, 1865," and this Act and the Salmon Fishery Act, 1861, may be cited together as the "Salmon Fishery Acts, 1861 and 1865."
- Construction of Act. **2.** This Act, so far as is consistent with the Tenour thereof, shall 5 be read as One with the Salmon Fishery Act, 1861.
- Definitions. **3.** In this Act and the Salmon Fishery Act, 1861, the following Words shall have the Meanings herein-after assigned to them, unless there be something in the Subject or the Context repugnant to such Construction, that is to say: 10
- "Trout" shall mean non-migratory Trout :
- "River" shall include such Portion of any Stream or Lake, with its Tributaries, and such Portion of any Estuary, Sea, or Sea Coast as may from Time to Time be declared, in manner herein-after provided, to belong to such River: 15
- "Salmon River" shall mean any River as above defined frequented by Salmon :
- "Quarter Sessions" shall include "General Sessions :"
- Any Riding, Division, or Liberty of a County having a separate Court of Quarter Sessions shall, for the Purposes of this Act, 20 be deemed to be a County.

Appointment of Conservators.

- Power for Justices of County to apply for Formation of Fishery Districts. **4.** The Justices of a County at any Court of Quarter Sessions held after the passing of this Act (due Notice having been previously given according to the Practice of the said Sessions) may, 25 by Writing under the Hand of their Chairman, apply to One of Her Majesty's Principal Secretaries of State to form into a Fishery District or Districts all or any of the Salmon Rivers lying wholly or partly within their County, and the said Secretary of State may form such District or Districts accordingly, and may include in any 30 District so formed any River or Rivers, or Parts thereof, although not situated in the County on behalf of which the Application is made.

- Limits of River and of Fishery District how settled. **5.** The Limits of a River shall be defined for the Purposes of this Act, and a Fishery District shall be formed, by a Certificate under the Hand of One of Her Majesty's Principal Secretaries of State, 35 describing the Limits of the River or District by a Reference to a Map or otherwise, as to the said Secretary may appear expedient, but no such Certificate shall be granted unless One Month's previous Notice of the Intention of the said Secretary to grant the same has been given by Advertisement in such Newspaper or Newspapers 40 as may be directed by the said Secretary of State, and when a Certificate has been granted a Copy shall be advertised in such Newspaper or Newspapers as are lastly herein-before mentioned.

6. Where

6. Where any Fishery District lies wholly within any One County the Justices of that County in Quarter Sessions assembled shall appoint a Board of Conservators for that District, and shall name the Time and Place at which the First Meeting of any Board
5 so appointed is to be held.

Appoint-
ment of Con-
servators to
District
within
Limits of
One County.

7. Where a Fishery District does not lie wholly within the Limits of One County, the Justices of any County within which any Part of such District lies, assembled at any Court of Quarter Sessions, may apply to the Justices of every other County in that District to
10 appoint at their next Court of Quarter Sessions a Fishery Committee of Three of their Number, to form, with the Fishery Committee of the like Number to be appointed at that Sessions by the County making the Application, a Joint Fishery Committee for the District.

Committee
for Fishery
District in
different
Counties.

8. An Application under this Act by the Justices of One County
15 to the Justices of another, in respect of the Appointment of a Joint Fishery Committee, shall be made by the Clerk of the Peace of the One County sending, within Fourteen Days after the holding of the Sessions at which the Application is resolved on, to the Clerk of the Peace of the other County, by Post, a Letter requiring the Justices
20 of the other County to appoint a Fishery Committee at their then next ensuing Quarter Sessions, and it shall be the Duty of the Clerk of the Peace making the Application, and of the Clerk of the Peace of every County to whom such Application is sent, to add to the Notice required by Law to be given of the holding of such
25 last-mentioned Sessions a Notice of the Appointment proposed to be made of a Fishery Committee.

Application
for Appoint-
ment of
Joint Com-
mittee.

9. At the Quarter Sessions mentioned in the Application, the Justices of each County shall appoint a Fishery Committee of Three of their Members; and any County neglecting to make
30 such Appointment shall be deemed to have concurred in any Decision that may be arrived at by the Fishery Committees of the other Counties, or of such of them as may appoint a Fishery Committee.

Appoint-
ment of
Fishery
Committee.

10. The Clerk of the Peace of every County shall, as soon as
35 possible after the Appointment of a Fishery Committee by his County, give Notice to the Clerk of the Peace of every other County in the District, stating in such Notice the Names and Addresses of the Members composing the Fishery Committee of his County, and the Clerk of the Peace of the County that made
40 the Application for such Appointment shall, in the Notice sent by
[117.]

Notice of
Appoint-
ment of
Fishery
Committee.

him, name a Time and Place at which the Joint Fishery Committee for such District is to meet.

Proceedings
of Joint
Fishery
Committee.

11. The said Joint Fishery Committee, on meeting at the Time and Place aforesaid, shall elect a Chairman, and the Chairman elected at the First Meeting shall, if he is present at the Time appointed 5 for holding any other Meeting, be Chairman of that Meeting; if he is not so present the Members present may choose any One of their Number present to be Chairman of such last-mentioned Meeting.

A Joint Fishery Committee may adjourn from Time to Time 10 and from Place to Place, and One Third of the whole Number of Members appointed shall be a Quorum.

Every Question shall be decided by a Majority of Votes of the Members voting on that Question, and in the event of an Equality of Votes at any Meeting the Chairman shall have a Second or Cast- 15 ing Vote.

The Proceedings of a Joint Committee shall not be invalidated by reason of there being any Vacancy or Vacancies in their Body.

Meeting
of Joint
Fishery
Committee.

12. The said Joint Fishery Committee shall form a Board for such District, and shall determine the following Matters: 20

1. The Number of Conservators to be appointed as a Board:
2. The Number of Members of the Board to be appointed by each County in the District:
3. The Names of the First Members of the Board, distinguishing those who are to be considered as appointed by each County: 25
4. The Time and Place at which the First Meeting of the said Board is to be held:
5. The County by the Quarter Sessions of which the Accounts of the Board are to be audited, herein-after referred to as the Audit County. 30

Any Member of a Joint Committee may be appointed Member of the Board.

Dissolution
of a Joint
Fishery
Committee.

13. When a Joint Committee have completed their Dispositions for the Formation of a Board for a District, they shall give Notice of such Dispositions to the Clerks of the Peace of all the 35 Counties in such District, and when such Notice has been given the Joint Committee shall be dissolved.

Tenure of
Office by
Conser-
vators.

14. The Members of a Board of Conservators shall hold Office for One Year, and be appointed annually at Quarter Sessions in the Case of a Board formed by a Joint Committee in the Proportions 40 fixed by that Committee; the existing Conservators shall remain in

in Office until their Successors are appointed; and if in any Year no Appointment of Conservators takes place, the existing Conservators shall continue in Office during the current Year.

Any casual Vacancy occurring by Death, Resignation, or otherwise in the Office of Conservator may be filled up by the Board, and the Member chosen to fill such Vacancy shall hold his Office for such Time only as the Member vacating would have held the same if no Vacancy had occurred.

15. Notice of the First Appointment of a Board of Conservators for any District shall, in the Case of a Board appointed by the Justices of a single County, be advertised by the Clerk of the Peace of that County in some Newspaper published or circulated in such County, and in the Case of a Board appointed by a Joint Committee be advertised by the Clerk of the Peace of every County in the District in some Newspaper published or circulated in that County.

Notice of Appointment of Conservators.

16. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of any Orders or Proceedings relating to the First Appointment of a Board of Conservators in any District after the Expiration of Three Calendar Months from the Date of the Advertisement of such First Appointment in the Newspaper, and a Copy of the Newspaper containing the Advertisement of the Appointment of a Board of Conservators shall be receivable in all Courts of Justice and in all legal Proceedings as Evidence of such Appointment having been made.

Rules as to Objections and Evidence.

Board of Conservators, and their Officers.

17. A Board of Conservators shall be a Body Corporate, having perpetual Succession and a Common Seal, with Power to make Contracts, and to sue and be sued in a common Name.

Constitution of Board of Conservators.

18. A Board of Conservators shall meet for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the Election of a Chairman of their Meetings, the summoning, Notice, Place, Management, and Adjournment of their Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings, as they think fit, subject to the following Conditions:

Proceedings of Board.

- (a.) The First Meeting after the Formation of the District shall be held at the Time and Place fixed in manner provided by this Act:
- (b.) An Extraordinary Meeting may be summoned at any Time, on the Requisition of Three Members of the Board:
- (c.) The Quorum to be fixed by the Board shall consist of not less than Three Members:

[117.]

A 3

(d.) Every

- (d.) Every Question shall be decided by a Majority of Votes of the Members voting on that Question; and in the event of an Equality of Votes the Chairman for the Time being shall have a Second or Casting Vote.

Vacancies in
Board and
Defect in
Qualification
of Members.

19. No Act or Proceeding of a Board of Conservators shall be questioned on account of any Vacancy or Vacancies in their Body; and no Defect in the Qualification or Appointment of any Person or Persons acting as Member or Members of such Board shall be deemed to vitiate any Proceedings of such Board in which he or they have taken part.

10

Evidence of
Proceedings
at Meetings.

20. Any Minute made of Proceedings at a Meeting of a Board of Conservators, if signed by the Chairman of that Meeting, either at the Meeting of the Board at which such Proceedings took place, or at the next ensuing Meeting of the Board at which such Person may be present, shall be receivable in Evidence in all legal Proceedings without further Proof; and until the contrary is proved every Meeting of the Board in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified.

15

Enumera-
tion of
Powers of
Board of
Conserva-
tors.

21. A Board of Conservators shall have Power within their District to do the following Things, or such of them as they may in their Discretion think expedient; that is to say:

- (1.) From Time to Time, by Writing under the Hand of the Acting Chairman for the Time being of the Board, to appoint a sufficient Number of Water Bailiffs, to assign to them their Salaries and Duties, and to remove any Water Bailiff so appointed:
- (2.) To issue such Licences for fishing as are provided by this Act:
- (3.) To fix, with the Sanction of the Secretary of State, a Close Season for such Eel Fisheries in a Salmon River as are fished by Means of Nets, Baskets, Iron Gratings, or other Contrivance attached to Dams or Posts driven into the Soil; such Season to extend from the First Day of January to the First Day of July, both Days inclusive, or for such less Term as may be determined by the said Conservators with such Approval as aforesaid:
- (4.) To purchase any legal Rights to Weirs or other fixed Engines they may deem it expedient to purchase for the Benefit of the Fisheries in their District:
- (5.) To take legal Proceedings against Persons violating the Provisions of the Salmon Fishery Acts, 1861, 1865, or either of them, or for removing such Weirs or other fixed Engines as they may be advised are illegal:
- (6.) Generally to execute such Works, do such Acts, and incur such Expenses as they may deem expedient to be executed, done,

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done, or incurred for the Protection and Improvement of the Salmon Fisheries within their District, the Increase of Salmon, and the stocking of the Waters in their District therewith.

22. No Person shall fish for, catch or attempt to catch, or kill
5 Eels by such Means as are herein-before in that Behalf mentioned in any River where a Close Season for Eel Fisheries has been appointed in pursuance of this Act, during the Period of such Close Season; and any Person acting in contravention of this Section shall forfeit any Eels so caught by him, and shall, in addition
10 thereto, be liable for every Offence to a Penalty not exceeding Two Pounds, and a further Penalty not exceeding Five Shillings and not less than One Shilling for every Eel so caught.

Penalty on fishing for Eels during Close Season.

23. Where a Close Season has been established in any River for Eel Fisheries in pursuance of this Act, the Proprietor or Occupier
15 of every Fishery in that River shall, within Thirty-five Hours after the Commencement of that Season, cause to be removed all Basket Nets, Iron Gratings, or other Contrivances as aforesaid for catching Eels; and if any Proprietor or Occupier omits to remove and carry away in manner aforesaid any Things hereby required to be removed
20 and carried away, he shall be liable to the following Penalties; (that is to say,) :

Removal of Instruments for catching Eels during Close Season.

(1.) He shall forfeit all the Engines or other Things that are not removed and carried away in compliance with this Section :
(2.) He shall, for every Day during which he suffers such Things to remain unremoved beyond the Period prescribed by this
25 Act, pay a Sum not exceeding One Pound.

24. A Board of Conservators may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them under the Salmon Fishery Acts, 1861, 1865, borrow and take up, at Interest on the Credit of the Licence Duties authorized to be imposed
30 by them, or of any other Property belonging to them, any Sums of Money necessary for defraying such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums of Money so borrowed, together with such Interest as aforesaid, the Board of Conservators may mortgage and assign over to the
35 Persons by or on behalf of whom such Sums are advanced, the said Duties and Property, or any Part thereof; and the Clauses of the Commissioners Clauses Act, 1847, with respect to Mortgages to be created by the Commissioners shall form Part of and be incorporated with this Act, and any Mortgagee or Assignee may enforce Payment
40 of his Principal and Interest by Appointment of a Receiver.

Mortgage of Licence Duties.

25. An Account of the Receipts and Disbursements of every Board of Conservators, in such Form and with such Particulars as

Audit of Accounts of Board.

may be required by the Court of Quarter Sessions that appoints the Board, or in the Case of a Joint Board by the Court of Quarter Sessions of the Audit County, shall be laid annually before such Courts of Quarter Sessions as aforesaid, and the Justices assembled at such Courts may disallow any Item that they consider to be illegal. 5

Power of
Water
Bailiff for
Protection of
Fisheries.

26. Any Water Bailiff appointed under this Act may examine any Dam, Fishing Weir, Fishing Mill Dam, or fixed Engine, or any Salmon Weir within the Limits of his District, or any artificial Watercourse connected with a Salmon River in that District, and any Owner or Occupier of any such Dam, Weir, or Engine, or 10 artificial Watercourse, refusing to any Water Bailiff Access to such Dam, Weir, Engine, or Watercourse, shall be liable to a Penalty not exceeding Five Pounds for each Offence.

A Water Bailiff may search all Boats and Nets used in fishing in Salmon Rivers; he may seize all illegal Nets and other Instruments 15 of fishing, and all Fish and other Articles forfeited in pursuance of the Salmon Fishery Acts, 1861, 1865, and generally may act as a Constable for the Enforcement of the Provisions of the said Salmon Fishery Acts, and when so acting shall have all the same Powers and Privileges as a Constable duly appointed now has or may 20 hereafter have within his Constablewick by virtue of the Common Law of this Realm, or of any Statutes made or to be made.

The Production of the Instrument of Appointment of a Water Bailiff executed in the manner directed by this Act shall be sufficient Warrant for any Water Bailiff exercising the Authorities 25 given by this Act.

Order for
Entry of
Water
Bailiff on
Land.

27. Where it appears to any Justice of the Peace, on the Application of any Water Bailiff made on Oath, that such Bailiff has good Reason to suspect that Acts in contravention of the Salmon Fishery Acts, 1861 and 1865, are being or are likely to be done on any 30 Premises, not being a Dwelling House, situate on or near to a Salmon River, the Justice may, by Order under his Hand, authorize such Bailiff, during a limited Period, to be specified in such Order, not exceeding One Calendar Month, to enter upon and remain on such Premises during any Hours of the Day and Night for the 35 Purpose of detecting the Persons guilty of the aforesaid Acts; and no Water Bailiff entering or remaining on any Premises in pursuance of such Order shall be deemed to be a Trespasser; but this Section shall not affect any other Powers of Search conferred by the Salmon Fishery Acts, 1861 and 1865. 40

Licences.

Issue of
Licences.

28. In any Fishery District subject to the Control of a Board of Conservators, Licences shall be granted at fixed Prices to all Persons

sons using any Rod and Line for fishing for Salmon, and in respect of all Fishing Weirs, Fishing Mill Dams, Putts, Putchers, or other Instruments or Devices, except Rods and Lines, whereby Salmon are caught; and the Produce of such Licences shall be applied in defraying the Expenses of carrying into effect in such District the Salmon Fishery Acts, 1861 and 1865.

29. The following Rules shall be observed with respect to the Licences granted in pursuance of this Act; that is to say, Rules as to Licences.

(1.) A Licence for the Use of a Rod and Line shall be granted to the Person named therein, on Payment of the Sum of *One Pound*, or such less Sum as may be determined by the Board of Conservators of the District; if the Sum of *One Pound* be paid, the Licence shall be available throughout all Fishery Districts within the Limits of the Salmon Fishery Acts, 1861 and 1865; if a Sum of less than *One Pound* be paid, the Licence shall be available only for the District in which it is issued. A Licence for the Use of a Rod and Line shall not in any Case be transferable.

(2.) Licences for Fishing Weirs, Fishing Mill Dams, Putts, Putchers, Nets, and other Instruments or Devices, except Rods and Lines for catching Salmon, shall be granted on Payment of such Sums, not exceeding the Sums specified in the First Schedule hereto, as may from Time to Time be determined by the Board of Conservators of the District, with the Approval of One of Her Majesty's Principal Secretaries of State; Licences for Fishing Weirs, Fishing Mill Dams, Putts, Putchers, Nets, or other such Instruments or Devices as aforesaid, shall be available only for the Use of the Persons, within the Districts, and in respect of the Instruments or Devices to whom, within, and in respect of which the same are respectively granted:

(3.) The Approval of the said Secretary of State to a Scale of Licences for Fishing Weirs, Fishing Mill Dams, Putts, Putchers, Nets, and other Instruments or Devices as aforesaid shall not be given for any District unless One Month's previous Notice of the Intention of the Board to apply for such Approval has been given by Advertisement, stating the Scale of Licence Duties proposed by the Conservators, in some One or more public Newspaper or Newspapers circulating in the District:

(4.) Any Person for the Time being entitled to an exclusive Right of fishing for Salmon in any River or Part of a River, may, upon Application to the Conservators of the District, obtain a General Licence; and such General Licence shall enable the Licensee or any Person authorized

by him in Writing under his Hand, without any other Licence, to fish for Salmon in any legal Manner in such River or Part of a River, but it shall not be of any Validity beyond the Limits to which it refers: There shall be paid for such General Licence such Sum as the Conservators may 5 from Time to Time determine, with the Sanction of the said Secretary of State, having regard to the Extent and Productiveness of the Fishery, and to the Nature of the Instruments or Devices used for catching the Fish :

- (5.) A Licence shall not confer any Right to fish in any 10 Place or at any Time in or at which the Licensee is not otherwise entitled to fish; nor shall the Grant of a Licence be held to make any Fishing Weir, Fishing Mill Dam, Putts, Putchers, Net, or other Instrument or Device legal that would otherwise be illegal, or to imply any Recognition 15 of the Legality of any such Instrument :
- (6.) All Licences granted in pursuance of this Act shall be available only during the Fishing Season of the Year for which they are granted :
- (7.) Licences granted in pursuance of this Act shall be issued by 20 the Conservators of each District, in such Form as may be approved by the Secretary of State, and be distributed in such Manner, as they may from Time to Time direct :
- (8.) The Conservators of a District shall, on their first Appoint- 25 ment, give Notice, by Advertisement in One or more Newspaper or Newspapers published or circulating in their District, of a Time, not being less than Three Months after such Appointment, at the Expiration of which it will be illegal to fish for Salmon in that District without a Licence, and shall state in the Notice a Place or Places within their 30 District where Licences may be procured; and the Production of a Copy of a Newspaper containing any such Advertisement as aforesaid shall be conclusive Evidence, as respects a Fishery District, of due Notice having been given of the Time after which it will be illegal in that 35 District to fish for Salmon without Licences.

Penalty on
fishing with
Rod without
Licence.

30. From and after a Time to be appointed as aforesaid in a Fishery District, any Person fishing in that District with a Rod and Line for Salmon, without a proper Licence, shall be liable to a Penalty of not less than double the Amount to be paid for the 40 requisite Licence, and not exceeding *Five Pounds*.

Penalty on
fishing at
Weirs or

31. From and after a Time to be appointed as aforesaid in a Fishery District, any Person using within that District any Fishing Weir,

Weir, Fishing Mill Dam, Putt, Patcher, Net, or other Instrument or Device, not being a Rod and Line, for catching Salmon, without having a proper Licence for the same, shall be liable to a Penalty of not less than double the Amount to be paid for the requisite
 5 Licence, and not exceeding Twenty Pounds.

with Nets
without
Licence.

In the Case of Fishing Weirs, Fishing Mill Dams, or other fixed Engines, the Person entitled to the Salmon captured at such Weir, Mill Dam, or other Engine shall be liable to the Penalty hereby imposed for Want of a Licence, unless such Person proves that
 10 the Weir, Mill Dam, or other Engine was used for the Capture of Salmon against his Orders and without his Privity or Consent, in which Case the Person actually using the Weir, Mill Dam, or other Engine shall be liable to the Penalty.

32. Any Licensee under this Act on producing his Licence, any
 15 Water Bailiff appointed in pursuance of this Act on producing the Instrument appointing him, and any Police or other Constable may require any Person found fishing with a Rod and Line, Fishing Weir or Fishing Mill Dam, Nets, or other Instruments, to produce his Licence; and the Person required to produce the same
 20 shall, if he do not produce the same, or make a reasonable Excuse for the Nonproduction thereof, be liable to a Penalty not exceeding One Pound.

Production
of Licence.

33. A County of a City or County of a Town shall for the Purposes of this Act be deemed to be a County; and any Act hereby
 25 authorized to be done by or to the Justices of a County in Quarter Sessions assembled shall, in the Case of a County of a City or County of a Town, be done by or to the Council of such City or Town assembled at any Meeting of Council; and any Act to be done by or to the Clerk of the Peace may be done by or to the Town Clerk
 30 or other like Officer; and Notice of a Meeting of the Council given in the usual Way shall be equivalent to the Notice of Quarter Sessions required to be given in the Case of the Justices of a County.

County of
City or
County of,
Town in-
cluded under
the Term
County.

Fixed Engines.

34. "Fixed Engine" shall in this Act and the Salmon Fishery
 35 Act, 1861, include any Net or other Implement for taking Fish fixed to the Soil or made stationary either by being held in the Hand or in any other Way: And whereas by the Eleventh Section of the Salmon Fishery Act, 1861, it is provided that the said Section shall not affect any ancient Right or Mode of fishing as lawfully
 40 exercised at the Time of the passing of the Act by virtue of any Grant or Charter or immemorial Usage: be it enacted, That the said Provisions shall extend to exempt from the said Eleventh Sec-

Amendment
of Provisions
relating to
fixed En-
gines.

tion such fixed Engines only as were lawfully in use for catching Salmon during the Open Season of One thousand eight hundred and sixty-one, in pursuance of an ancient Right or Mode of fishing as lawfully exercised at the Time of the passing of the Act, by virtue of any Grant or Charter or immemorial Usage, which last-men- 5
tioned fixed Engines so erected as aforesaid are herein-after referred to as privileged fixed Engines.

Commis-
sioners to
inquire as
to fixed
Nets.

35. Subject to such Appeal as is herein-after mentioned, and to the Provisions herein-after contained as to Fishing Weirs and Fishing Mill Dams, the Special Commissioners appointed under 10
this Act, herein-after referred to as the Commissioners, shall inquire into the Legality of all fixed Engines erected or used for catching Salmon, within the Limits of the Salmon Fishery Acts, 1861 and 1865, and abate and remove all such as are not proved to their Satisfaction to be privileged. 15

Certificate as
to privileged
Engines.

36. Where a Claim is made by any Person on behalf of a fixed Engine that it is privileged, the Commissioners shall, on Proof being given to their Satisfaction that such Engine is privileged, certify to that Effect, stating in the Certificate the Situation, Size, and Description of the Engine. A Certificate given in pursuance of 20
this Section shall be deemed to be an Order of the Commissioners, and to be subject to Appeal as such. If unappealed from, or as confirmed or amended on Appeal, such Certificate shall be conclusive Evidence that the Engine is a privileged Engine within the Meaning of the Salmon Fishery Acts, 1861 and 1865, but the Certi- 25
ficate shall not render any Engine legal that would be otherwise illegal by reason of its being injurious to Navigation.

Commission-
ers to inquire
as to Fishing
Weirs.

37. Subject to such Appeal as is herein-after mentioned, the Commissioners shall inquire into the Legality of all Fishing Weirs and Fishing Mill Dams throughout the Limits of the Salmon 30
Fishery Acts, 1861 and 1865, and shall remove such as are in contravention of the said Acts or either of them; provided that where a Fishing Weir is illegal only by reason of its not having a Free Gap, as required by Law, or a Fishing Mill Dam is illegal only by reason of its not having a Fishing Pass attached thereto, as required 35
by Law, this Section shall not empower the Commissioners to remove such Fishing Weir, if an Undertaking be entered into, to the Satisfaction of the Commissioners, by the Owner or other Person interested in such Weir, to make a legal Free Gap therein within a Time to be prescribed by the Commissioners, and a Free Gap is 40
made accordingly, or to remove such Fishing Mill Dam if a like Undertaking be entered into to attach a Fish Pass thereto, as required

required by Law, within a Time to be prescribed by the Commissioners, and such Fish Pass be attached accordingly.

38. Before removing any Fishing Weir, Fishing Mill Dam, or other fixed Engine, the Commissioners shall summon before them, 5 by a Summons in the Form appearing in the Second Schedule hereto, or as near thereto as Circumstances admit, the Person or Persons, if he or they can be found, erecting, maintaining, or using such fixed Engine, or if he or they are absent, dead, or under Incapacity, then the Occupier or Occupiers, if any, of the Land 10 whereon such Engine is erected, or, where there are no such Occupiers, the Owner or Owners of the Land, to attend at some convenient Place and Time to be named in such Summons; and the Commissioners shall, at the Time and Place mentioned in any such Summons, and upon Proof of the personal Service thereof, or upon 15 Proof of the Summons having been left at or posted on the Residence of the Persons summoned, proceed to hear such Evidence as may be adduced before them, whether at the Instance of the Commissioners or upon behalf of the Party summoned, or of any Party interested in the Fisheries of the River where such fixed Engine is 20 situate; and after hearing such Evidence, whether the Persons summoned have or have not appeared, the Commissioners may, if satisfied of the Illegality of the fixed Engine, by Warrant under their Hands and Seals, direct some proper Person to remove such fixed Engine, at the Expense of the Persons summoned, or such of 25 them as appear to the Commissioners to have erected, constructed, maintained, or used the same, or suffered such Erection, Construction, Maintenance, or User, and thereupon the said fixed Engine shall be removed accordingly. The Commissioners may, by Warrant, order any Person to sell the Engine or any Materials belonging 30 thereto. They shall apply the Proceeds of any such Sale in defraying any Costs, Charges, and Expenses incident to the Removal of the Engine, and shall render the Surplus, if any, to the Persons they may deem entitled thereto.

Proceedings
as to Re-
moval of
fixed En-
gines.

39. If any Person feels aggrieved with any Decision of the Com- 35 missioners (and for the Purposes of an Appeal a Dismissal of a Complaint shall be deemed to be a Decision), the Person aggrieved may appeal as follows; that is to say,

Appeal from
Decision of
Special Com-
missioners.

1. The Appeal shall be to the Court of Queen's Bench.
2. The Appeal shall be by Special Case stating the Facts and the 40 Grounds for the Decision.
3. The Special Case shall be settled by the Commissioners upon the Application of the Appellant to be made in Writing within

Seven Days after the Delivery of the Decision, and not afterwards.

4. The Application for a Case shall not be entertained by the Commissioners unless the Appellant at the Time of making the same enter into a Recognizance before the said Commissioners or a Justice of the Peace, with or without Sureties, and in such Sum as the Commissioners or the Justice think fit, conditioned to prosecute without Delay the Appeal, and to submit to the Judgment of the Court of Queen's Bench, and to pay such Costs as may be awarded. 5
5. The Special Case shall be signed by the Commissioners, and shall be delivered to the Appellant by the Commissioners on Payment by him of such Fees as are herein-after mentioned. 10
6. On the Receipt of the Special Case the Appellant shall within Three Days serve a Copy on the other Party to the Proceedings, and transmit by Post or otherwise the original Case to the proper Officer of the Court of Queen's Bench. 15
7. The Fees to be charged in respect of the Preparation of the Special Case shall be the same Fees as are chargeable for the Preparation of a Special Case by the Act passed in the Session of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Forty-three, intituled "An Act to improve the Administration of the Law, so far as respects summary Proceedings before Justices of the Peace," and herein-after referred to as "The Summary Jurisdiction Act." 25
8. The Commissioners may refuse to state a Case when they are of opinion that the Application is frivolous, but if they so refuse they shall, on the Request of the Appellant, give him a Certificate stating the Ground of their Refusal. 30
9. When a Party gives in good Faith Notice of an Appeal under this Section, but omits through Mistake to do some Act necessary to perfect the Appeal, the Appellate Court may permit an Amendment on such Terms as it thinks just.
10. After the Decision of the Court of Queen's Bench has been given on a Case stated as aforesaid, the Commissioners shall have the same Powers to enforce that Decision, when affirmed or amended, as they would have had to have enforced their original Decision if it had not been appealed from. 35
11. Save as herein-before varied, the Provisions of the Summary Jurisdiction Act as to the Powers of the Superior Court, as to directing a Special Case to be stated, as to the enforcing of Recognizances, and as to all other Matters, shall apply to an Appeal under this Section in the same Manner as if the Words "Justice or Justices" in the said 45
Summary

Summary Jurisdiction Act included "the Special Commissioners appointed under this Act."

12. Any Act required by this Section to be done by the Commissioners may be done by Two of them.

5

Appointment and Powers of Commissioners.

40. Her Majesty may, by Warrant under the Royal Sign Manual, appoint any Number of Persons not exceeding Three, of whom One shall be a Barrister of not less than Seven Years standing at the Bar, to be Commissioners under this Act during Her Majesty's

Appointment of Commissioners under Sign Manual.

- 10 Pleasure, and upon every Vacancy in the Office of any Commissioner by Death, Resignation, or Incapacity to act may appoint some other fit Person to fill the Vacancy: Provided always, that in the Case of a Vacancy by the Death, Resignation, or Incapacity of the Commissioner required by this Act to be a Barrister, another
15 Barrister qualified as aforesaid be appointed in his Place.

41. The Commissioners appointed under this Act shall be styled "The Special Commissioners for English Fisheries;" they shall cause to be made for their Commission such Seal or Seals as they may require; and any Summons, Order, Warrant, or other Instru-
20 ment, or Copy thereof, purporting to be sealed with the Seal of the Commissioners, and to be signed as herein-after mentioned, shall be received in Evidence without any further Proof.

Commissioners to have a Common Seal.

42. No Commissioner shall during his Continuance in Office be capable of being elected or of sitting as a Member of the House of
25 Commons.

Commissioners not to sit in Parliament.

43. All Warrants for the Removal of any Fishing Weir, Fishing Mill Dam, or other fixed Engine shall be signed by Two at least of the Commissioners, and all Cases relating to the Removal of such fixed Engine shall be heard by all the Commissioners, but the
30 Opinions of Two of them shall, in case of Difference, decide any Question; any other Acts authorized to be done by the Commissioners may be done by any One of them, and any Notice or other Instrument under the Seal of the Commissioners, and signed by any Person delegated by them, shall be deemed to be sufficiently
35 executed.

Acts of the Commissioners.

44. The Commissioners of Her Majesty's Treasury may from Time to Time fix such Salaries as they may think fit for the Commissioners hereby appointed, and also appoint such additional Officers, Clerks, and Servants, at such Salaries as the said Commissioners of
40 the Treasury may think proper and necessary, and from Time to

The Treasury to fix Salaries, &c. and appoint additional Officers.

Time dismiss such Officers, Clerks, and Servants, and appoint others in their Place.

Duration of
Office of
Commis-
sioners.

45. The Officers of the said Commissioners, and all Powers, Rights, and Privileges pertaining thereto, shall continue in force for One Year only, and from thenceforth until the End of the next Session of Parliament. 5

Powers of
Commis-
sioners.

46. The Commissioners may examine any Witnesses on Oath; and with respect to the following Matters, that is to say,

- (1.) Enforcing the Attendance of Witnesses, and the Production of Deeds, Books, Papers, and Documents; 10
- (2.) The enforcing any Order whatever made by them under any of the Powers or Authorities of this Act or the Salmon Fisheries Acts,

shall, in addition to any other Powers conferred on them by this Act, have all such Powers, Rights, and Privileges as the Judges of Her Majesty's Court of Queen's Bench have for such or the like Purposes. 15

Penalty for
false swear-
ing.

47. Every Person who upon Examination before the Commissioners, or any One of them, wilfully gives false Evidence, and every Person who wilfully swears, affirms, or declares falsely in any Affidavit relating to any Matter within the Cognizance of the Commissioners, shall be liable to the Pains and Penalties of Perjury. 20

Proceedings
before Com-
missioners
not to be
restrained
by Injunc-
tion, &c.

48. The Commissioners shall not be subject to be restrained in the Execution of their Powers under this Act, nor shall any Person be restrained from making an Application under this Act to the Commissioners, by Order of any Court of Justice or by any other legal Process, nor shall the Commissioners be required by Writ of Mandamus or any Writ of a like Nature to do any Act or take any Proceeding under this Act, nor shall Proceedings before them be removable by Certiorari or other Writ of a like Nature. 25 30

Proceedings
not to abate
by Death,
&c.

49. Proceedings before the Commissioners shall not abate or be suspended by any Death or Transmission or Change of Interest; but in any such Case of Death or Transmission or Change of Interest it shall be lawful for the Commissioners, when they see fit, to require Notices to be given to Persons becoming interested, or to make any Orders for continuing, suspending, or carrying on the Proceedings, or otherwise in relation thereto, which to the Commissioners appears just. 35

50. Where

50. Where any Person has been convicted Twice of an Offence under any of the following Sections of the Salmon Fishery Act, 1861, that is to say, Sections Eight, Nine, Fourteen, Seventeen, and Nineteen, he may, on being convicted a Third Time of an Offence
5 against any of the said Sections, instead of being fined in a pecuniary Penalty, be sentenced to Imprisonment with Hard Labour for any Period not exceeding Six Months.

Power in certain Cases to award Imprisonment with Hard Labour instead of Penalty.

51. Where any Person, under the Salmon Fishery Act, 1861, is exempted from a Penalty in respect of using or having in his Possession Salmon Roe, on the Ground that he uses or has it in his
10 Possession for artificial Propagation or other scientific Purposes, or is upon the same Ground exempt from a Penalty in respect of taking or having in his Possession unclean or unseasonable Salmon, or catching or attempting to catch Salmon when spawning or near
15 their Spawning Beds, he shall not, if within a District where a Board of Conservators is established, be exempt in any of the above Cases from such Penalty unless the Consent of the Board has been given in Writing to such Use or Possession of Salmon Roe, or to such taking Possession of unclean or unseasonable
20 Salmon.

Consent of Conservators necessary for artificial Propagation of Salmon.

52. No Justice of the Peace shall be disqualified from hearing any Case arising under the Salmon Fishery Acts, 1861, 1865, or either of them, by reason of his being a Conservator or a Member of a Board of Conservators, or a Subscriber to any Society for
25 the Protection of Salmon or Trout.

As to Disqualification of Justices.

53. Where any Penalty is recovered on the Complaint of a Board of Conservators or of any Officer of or Person authorized by a Board of Conservators, the Court shall, unless for special Reason they think it inexpedient so to do, direct the whole of the Penalty to be
30 paid to the said Board, to be applied by them for the Purposes of the Salmon Fishery Acts, 1861, 1864.

Payment of Penalties to Conservators in certain Cases.

54. The River Esk, together with its Banks and Tributary Streams up to their Source, shall be deemed to be within the Limits of the Salmon Fishery Acts, 1861 and 1865.

River Esk within Limits of Act.

55. The Sections of the Salmon Fishery Act, 1861, that apply to fishing with Lights, Spears, and other prohibited Instruments, and to using Roe as a Bait, and which are numbered respectively Eight and Nine, shall apply to Trout in a Salmon River situate in a Fishery District which is subject to a Board of Conservators
40 appointed under this Act in the same Manner as if Trout were of

Partial Application of Salmon Acts to Trout in Salmon Rivers.

the Genus Salmon; and in any such River no Person shall fish for, catch or attempt to catch, or kill any Trout between the Second Day of November and the First Day of February following, both inclusive; and any Person fishing for, catching or attempting to catch, or kill any Trout in any such River as aforesaid 5 during such Interval as aforesaid shall forfeit any Trout caught by him, and shall, in addition thereto, be liable to a Penalty not exceeding Two Pounds for each Offence.

FIRST SCHEDULE.

LICENSE DUTIES.

Maximum.

£ s. d.

5	Draft Nets	-	-	-	-	-	each	5	0	0
	Coracle Nets	-	-	-	-	-	"	2	0	0
	Box, Crib, or Cruive	-	-	-	-	-	"	10	0	0
	Putts	-	-	-	-	-	"	0	2	6
	Putchers, under 50	-	-	-	-	-	-	1	0	0
10	For every additional 50 or Part thereof	-	-	-	-	-	-	1	0	0
	For Outriggers or Leaders to Putts or Putchers of 100	-	-	-	-	-	-	-	-	-
	Yards in Length, or under	-	-	-	-	-	-	1	0	0
	For any Outriggers or Leaders of greater Length	-	-	-	-	-	-	5	0	0
	For V-Weirs, or Gog-heads or Baulks, each	-	-	-	-	-	-	10	0	0
15	For any Instrument not named in this Schedule, and not being a Rod and Line, such Sum as may be determined by the Conservators with the Approval of the Secretary of State.	-	-	-	-	-	-	-	-	-

SECOND SCHEDULE.

SUMMONS.

FIXED ENGINE.

20 To _____

We, _____ the Special Commissioners acting
25 under "The Salmon Fishery Acts, 1861, 1865," do hereby summon you
to attend before us at _____ on the
Day of _____ 186 , at the Hour of _____, and thenceforward
from Day to Day until discharged, in order that there may be then and there
an Inquiry by us touching the Legality of a fixed Engine [*describe Nature*
30 *of Engine*] situate in the River of _____ County of _____
and that a Decision may be made by us with respect to its Removal, or that
such other Order may be made by us in the Premises as the Facts of the
Case shall appear to us to warrant.

Given under our Hands and under the Common Seal of the said
35 Commissioners this _____ Day of _____ 186 .

Salmon Fishery Act (1861)
Amendment.

B I L L

To amend "The Salmon Fishery Act,
1861."

(Prepared and brought in by
Mr. Baring and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
26 April 1865.

[Bill 117.]

Under 3. 02.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend “The Salmon Fishery Act, 1861.”

WHEREAS by the Thirty-third Section of the “Salmon Fishery Act, 1861,” it is provided that it shall be lawful for the Justices of the Peace assembled at any General or Quarter Sessions of the Peace, from Time to Time to
5 appoint Conservators or Overseers for the Preservation of Salmon, and enforcing, for that Purpose, the Provisions of the said Act within the Limits of the Jurisdiction of such Justices: And whereas no Funds are provided by the said Act for carrying into effect the Purposes thereof, and no Provisions are made for securing the
10 Co-operation of the Conservators of different Counties where a River frequented by Salmon borders on or passes through several Counties: And whereas it is expedient to amend the said Act in respect of the foregoing Particulars; and it is also expedient to make further Provisions for the Removal of illegal fixed Engines,
15 and otherwise to amend the said Act: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

[Bill 187.]

A

Pre-

Preliminary.

- Short Title of Act. 1. This Act may be cited for all Purposes as "The Salmon Fishery Act, 1865," and this Act and the Salmon Fishery Act, 1861, may be cited together as the "Salmon Fishery Acts, 1861 and 1865."
- Construction of Act. 2. This Act, so far as is consistent with the Tenor thereof, shall 5 be read as One with the Salmon Fishery Act, 1861.
- Definitions. 3. In this Act and the Salmon Fishery Act, 1861, the following Words shall have the Meanings herein-after assigned to them, unless there be something in the Subject or the Context repugnant to such Construction; that is to say, 10
- "River" shall include such Portion of any Stream or Lake, with its Tributaries, and such Portion of any Estuary, Sea, or Sea Coast as may from Time to Time be declared, in manner herein-after provided, to belong to such River:
- "Salmon River" shall mean any River as above defined frequented by Salmon or Young of Salmon: 15
- "Quarter Sessions" shall include "General Sessions:"
- Any Riding, Division, or Liberty of a County having a separate Court of Quarter Sessions shall, for the Purposes of this Act, be deemed to be a County. 20

Appointment of Conservators.

- Power for Justices of County to apply for Formation of Fishery Districts. 4. The Justices of a County at any Court of Quarter Sessions held after the passing of this Act (due Notice having been previously given according to the Practice of the said Sessions) may, by Writing under the Hand of their Chairman, apply to One of 25 Her Majesty's Principal Secretaries of State to form into a Fishery District or Districts all or any of the Salmon Rivers lying wholly or partly within their County, and the said Secretary of State may form such District or Districts accordingly, and may include in any District so formed any River or Rivers, or Parts thereof, although 30 not situated in the County on behalf of which the Application is made.

- Limits of River and of Fishery District how settled. 5. The Limits of a River shall be defined for the Purposes of this Act, and a Fishery District shall be formed, by a Certificate under the Hand of One of Her Majesty's Principal Secretaries of State, describing the Limits of the River or District by a Reference to a 35 Map or otherwise, as to the said Secretary may appear expedient, but no such Certificate shall be granted unless One Month's previous Notice of the Intention of the said Secretary to grant the same has been given by Advertisement in such Newspaper or Newspapers as may be directed by the said Secretary of State, and when a Cer- 40 tificate

tificate has been granted a Copy shall be advertised in such Newspaper or Newspapers.

6. Where any Fishery District lies wholly within any One County the Justices of that County in Quarter Sessions assembled shall appoint a Board of Conservators for that District, and shall name the Time and Place at which the First Meeting of any Board so appointed is to be held.

Appoint-
ment of Con-
servators to
District
within
Limits of
One County.

7. Where a Fishery District does not lie wholly within the Limits of One County, the Justices of any County within which any Part of such District lies, assembled at any Court of Quarter Sessions, may apply to the Justices of every other County in that District to appoint at their next Court of Quarter Sessions a Fishery Committee of Three of their Number, to form, with the Fishery Committee of the like Number to be appointed at that Sessions by the County making the Application, a Joint Fishery Committee for the District.

Committee
for Fishery
District in
different
Counties.

8. An Application under this Act by the Justices of One County to the Justices of another, in respect of the Appointment of a Joint Fishery Committee, shall be made by the Clerk of the Peace of the One County sending, within Fourteen Days after the holding of the Sessions at which the Application is resolved on, to the Clerk of the Peace of the other County, by Post, a Letter requiring the Justices of the other County to appoint a Fishery Committee at their then next ensuing Quarter Sessions, and it shall be the Duty of the Clerk of the Peace making the Application, and of the Clerk of the Peace of every County to whom such Application is sent, to add to the Notice required by Law to be given of the holding of such last-mentioned Sessions a Notice of the Appointment proposed to be made of a Fishery Committee.

Application
for Appoint-
ment of
Joint Com-
mittee.

9. At the Quarter Sessions mentioned in the Application, the Justices of each County shall appoint a Fishery Committee of Three of their Members; and any County neglecting to make such Appointment shall be deemed to have concurred in any Decision that may be arrived at by the Fishery Committees of the other Counties, or of such of them as may appoint a Fishery Committee.

Appoint-
ment of
Fishery
Committee.

10. The Clerk of the Peace of every County shall, as soon as possible after the Appointment of a Fishery Committee by his County, give Notice by Post to the Clerk of the Peace of every other County in the District, stating in such Notice the Names and Addresses of the Members composing the Fishery Committee of

Notice of
Appoint-
ment of
Fishery
Committee.

his County, and the Clerk of the Peace of the County that made the Application for such Appointment shall, in the Notice sent by him, name a Time and Place at which the Joint Fishery Committee for such District is to meet.

Proceedings
of Joint
Fishery
Committee.

11. The said Joint Fishery Committee, on meeting at the Time 5
and Place aforesaid, shall elect a Chairman, and the Chairman elected
at the First Meeting shall, if he is present at the Time appointed
for holding any other Meeting, be Chairman of that Meeting; if
he is not so present the Members present may choose any One of
their Number present to be Chairman of such last-mentioned
Meeting. 10

A Joint Fishery Committee may adjourn from Time to Time
and from Place to Place, and One Third of the whole Number of
Members appointed shall be a Quorum.

Every Question shall be decided by a Majority of Votes of the
Members voting on that Question, and in the event of an Equality 15
of Votes at any Meeting the Chairman shall have a Second or Cast-
ing Vote.

The Proceedings of a Joint Committee shall not be invalidated by
reason of there being any Vacancy or Vacancies in their Body.

Meeting
of Joint
Fishery
Committee.

12. The said Joint Fishery Committee shall proceed to appoint a 20
Board of Conservators for such District, and shall determine the
following Matters :

1. The Number of Conservators to be appointed as a Board:
2. The Number of Members of the Board to be appointed by
each County in the District : 25
3. The Names of the First Members of the Board, distinguishing
those who are to be considered as appointed by each County :
4. The Time and Place at which the First Meeting of the said
Board is to be held :
5. The County by the Quarter Sessions of which the Accounts 30
of the Board are to be audited, hercin-after referred to as
the Audit County.

Any Member of a Joint Committee may be appointed Member
of the Board.

Dissolution
of a Joint
Fishery
Committee.

13. When a Joint Committee have completed their Dispositions 35
for the Formation of a Board of Conservators for a District, they
shall give Notice by Post of such Dispositions to the Clerks of the
Peace of all the Counties in such District, and when such Notice
has been given the Joint Committee shall be dissolved.

14. All

14. All Justices of the Peace acting for and within the Limits of any Fishery District, and being either Owners or Occupiers of any Lands abutting upon any Salmon River within the same, shall be ex-officio Members of the Board of Conservators for such District.

CLAUSE T.
Ex officio
Members of
Board.

5 15. The Members of a Board of Conservators shall hold Office for One Year, and be appointed annually at Quarter Sessions, and in the Case of a Board formed by a Joint Committee in the Proportions fixed by that Committee. Retiring Members shall be eligible for Re-appointment; and if at the Time when any annual Appointment
10 ought to take place no such Appointment is made the existing Conservators shall remain in Office until their Successors are appointed.

Tenure of
Office by
Conserva-
tors.

Any casual Vacancy occurring by Death, Resignation, or otherwise in the Office of Conservator may be filled up by the Board, and the Member chosen to fill such Vacancy shall hold his Office
15 for such Time only as the Member vacating would have held the same if no Vacancy had occurred.

16. Notice of the First and of every subsequent Appointment of a Board of Conservators, specifying the Names and Addresses of the Persons appointed, shall, in the Case of a Board appointed by the
20 Justices of a single County, be advertised by the Clerk of the Peace of that County in some Newspaper published or circulated in such County, and in the Case of a Board appointed by a Joint Committee be advertised by the Clerk of the Peace of every County in the District in some Newspaper published or circulated in that County.

Notice of
Appoint-
ment of
Conserva-
tors.

25 17. After the Appointment of a Board of Conservators in pursuance of this Act in any District the Powers of all Conservators or Overseers for the Preservation of Salmon, appointed in pursuance of any other Act of Parliament, of Charter or Custom, and all Powers of appointing the same, shall absolutely determine within
30 the Limits of the said District.

CLAUSE B.
Cessor of
Powers of
existing
Conserva-
tors.

18. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of any Orders or Proceedings relating to the Appointment of a Board of Conservators in any District after the Expiration of Three Calendar Months from the Date of the
35 Advertisement of such Appointment in the Newspaper, and a Copy of the Newspaper containing the Advertisement of the Appointment of a Board of Conservators shall be receivable in all Courts of Justice and in all legal Proceedings as Evidence of such Appointment having been made.

Rules as to
Objections
and Evi-
dence.

40 19. Where more than One Salmon River not included in the same Fishery District flows into a common Estuary the said Secretary of
[187.]

CLAUSE C.
Provision as
to common
Estuary.

State may define the Limits of such Estuary, including therein any Portion of the adjoining Sea or Seacoast, and form it into a separate District, and place the whole of such District, either temporarily or permanently, within the Jurisdiction of any One or more of the Boards having Jurisdiction over the Salmon Rivers flowing 5 into the Estuary, or place such District under the Jurisdiction of a Board composed of Representatives from the other Boards, and may require such Board or Boards to pay a certain Proportion of the Licence Duties received by them to any other Board or Boards.

CLAUSE D.
Alterations
of Fishery
District.

20. A Fishery District may from Time to Time be altered by in- 10 cluding therein or excluding therefrom any Salmon River or Part of a Salmon River. Any such Alteration shall be made by a Certificate of the said Secretary of State, upon the Application of the Board of Conservators of the District, and after not less than Six Months previous Notice in Writing has been given to any other 15 Board whose District is affected by such Alteration. Where the Effect of such Alteration is to include in a District a Portion of a County not hitherto included, the Justices of that County in Quarter Sessions assembled shall add such Number of Members to the existing Board of the District as the said Secretary of State may 20 determine, and where the Effect of the Alteration is to exclude altogether from the District any County, the Members of the Board appointed by such County shall cease to hold their Offices at the Board, and the Members of the Board appointed by the other Counties in the District may respectively be increased in such 25 Manner as the said Secretary thinks fit: Provided, firstly, that no Alteration of any District shall affect the Powers of any existing Board or Boards until the new Districts are fully constituted, and any Change occasioned by such Alteration in the Constitution of any existing Board or Boards completely carried into effect; 30 secondly, that Notices of any Alteration made in a District or in the Constitution of a Board of Conservators in pursuance of this Section shall be advertised in some Newspaper or Newspapers published or circulated in the District or Districts affected by such Alteration. 35

Board of Conservators, and their Officers.

Constitution
of Board of
Conser-
vators.

21. A Board of Conservators shall be a Body Corporate, having perpetual Succession and a Common Seal, with Power to make Contracts, and to sue and be sued in a common Name.

Proceedings
of Board.

2. A Board of Conservators shall meet for the Despatch of 40 Business, and shall from Time to Time make such Regulations with respect to the Election of a Chairman of their Meetings, the summoning, Notice, Place, Management, and Adjournment of their Meetings,

Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings, as they think fit, subject to the following Conditions :

- 5 (a.) The First Meeting after the Formation of the District shall be held at the Time and Place fixed in manner provided by this Act :
- (b.) An Extraordinary Meeting may be summoned at any Time, on the Requisition of Three Members of the Board :
- 10 (c.) The Quorum to be fixed by the Board shall consist of not less than Three Members :
- (d.) Every Question shall be decided by a Majority of Votes of the Members voting on that Question ; and in the event of an Equality of Votes the Chairman for the Time being shall have a Second or Casting Vote.

- 15 23. A Board of Conservators may appoint Committees of their Members, may fix a Quorum for each Committee, and may lay down Rules for its Guidance. Every Question before a Committee shall be decided by a Majority of Votes of the Members voting on that Question ; and in the event of an Equality of Votes the
- 20 Chairman for the Time being shall have a Second or Casting Vote.

CLAUSE E.
Appoint-
ment of
Committees.

24. Where any Salmon River is within the Jurisdiction of a Board of Conservators appointed under this Act, any Application to the Home Office in respect of the Close Time on such River, in pursuance of Section Eighteen of "The Salmon Fishery Act,
- 25 1861," shall be made by the Board of Conservators, instead of by the Justices in Quarter Sessions assembled.

CLAUSE M.
Amendment
of Section
18. of Salmon
Fishery Act,
1861.

25. No Act or Proceeding of a Board of Conservators shall be questioned on account of any Vacancy or Vacancies in their Body ; and no Defect in the Qualification or Appointment of any Person
- 30 or Persons acting as Member or Members of such Board shall be deemed to vitiate any Proceedings of such Board in which he or they have taken part.

Vacancies in
Board and
Defect in
Qualification
of Members.

26. Any Minute made of Proceedings at a Meeting of a Board of Conservators, if signed by the Chairman of that Meeting, either
- 35 at the Meeting of the Board at which such Proceedings took place, or at the next ensuing Meeting of the Board at which such Person may be present, shall be receivable in Evidence in all legal Proceedings without further Proof ; and until the contrary is proved every Meeting of the Board in respect of the Proceedings of which Minutes
- 40 have been so made shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified.

Evidence of
Proceedings
at Meetings.

Enumera-
tion of
Powers of
Board of
Conserva-
tors.

27. A Board of Conservators shall have Power within their District to do the following Things, or such of them as they may in their Discretion think expedient; that is to say:

- (1.) From Time to Time, by Writing under the Hand of the Acting Chairman for the Time being of the Board, to appoint a suffi- 5
cient Number of Water Bailiffs and other Officers, to assign to them their Salaries and Duties, and to remove any Water Bailiff or Officer so appointed:
- (2.) To issue such Licences for fishing as are provided by this Act:
- (3.) To purchase by Agreement Dams, Fishing Weirs, Fishing 10
Mill Dams, or fixed Engines they may deem it expedient to purchase for the Benefit of the Fisheries in their District:
- (4.) To take legal Proceedings against Persons violating the Provisions of the Salmon Fishery Acts, 1861, 1865, or either of them, or for removing such Weirs or other fixed Engines 15
as they may be advised are illegal:
- (5.) Generally to execute such Works, do such Acts, and incur such Expenses as they may deem expedient to be executed, done, or incurred for the Protection and Improvement of the Salmon Fisheries within their District, the Increase of Salmon, 20
and the stocking of the Waters in their District therewith.

CLAUSE F.
Power of
Conservators
as to Eel
Fisheries.

28. A Board of Conservators may, with the Sanction of the Secretary of State, from Time to Time make an Order prohibiting in any Salmon River within their District, for the Period of the Year 25
extending from the Tenth Day of January to the First Day of July, both Days inclusive, or for any Part of such Period, the fishing for Eels by means of Nets, Baskets, Iron Gratings, or other Contrivances attached to Dams or Posts driven into the Soil; and any Person acting in contravention of such Order shall be liable for every Offence to a Penalty not exceeding Two Pounds. 30

The Proprietor or Occupier of every Eel Fishery shall within Thirty-six Hours after the Commencement of the Time fixed by any such Order as aforesaid cause to be removed or to be rendered incapable of catching Eels to the Satisfaction of the Board all Baskets, Nets, Iron Gratings, or other Contrivances as aforesaid for 35
catching Eels; and if any Proprietor or Occupier omits to remove or render incapable in manner aforesaid any Contrivances by this Section required to be removed or rendered incapable of catching Eels, he shall for every Day during which he suffers such Contrivance to remain unremoved or capable of catching Eels beyond 40
the Period allowed by Law pay a Sum not exceeding One Pound.

Mortgage of
Licence
Duties.

29. A Board of Conservators may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them under

under the Salmon Fishery Acts, 1861, 1865, borrow and take up, at Interest on the Credit of the Licence Duties authorized to be imposed by them, or of any other Property belonging to them, any Sums of Money necessary for defraying such Costs, Charges, and Expenses; 5 and for the Purpose of securing the Repayment of any Sums of Money so borrowed, together with such Interest as aforesaid, the Board of Conservators may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced, the said Duties and Property, or any Part thereof; and the Clauses of the 10 Commissioners Clauses Act, 1847, with respect to Mortgages to be created by the Commissioners, shall form Part of and be incorporated with this Act, and any Mortgagee or Assignee may enforce Payment of his Principal and Interest by Appointment of a Receiver.

30. An Account of the Receipts and Disbursements of every 15 Board of Conservators, in such Form and with such Particulars as may be required by the Court of Quarter Sessions that appoints the Board, or in the Case of a Joint Board by the Court of Quarter Sessions of the Audit County, shall be laid annually before such Courts of Quarter Sessions as aforesaid, and the Justices assembled at such 20 Courts may disallow any Item that they consider to be illegal.

Audit of
Accounts of
Board.

31. Any Conservator or Water Bailiff appointed under this Act may examine any Dam, Fishing Weir, Fishing Mill Dam, or fixed Engine within the Limits of his District, or any artificial Water- 25 course connected with a Salmon River in that District, and any Owner or Occupier of any such Dam, Weir, Engine, or artificial Watercourse, refusing to any Conservator or Water Bailiff Access to such Dam, Weir, Engine, or Watercourse, shall be liable to a Penalty not exceeding Five Pounds for each Offence.

Power of
Water
Bailiff for
Protection of
Fisheries.

A Conservator or Water Bailiff may search all Boats and Nets 30 used in fishing in Salmon Rivers; he may seize all illegal Nets and other Instruments of fishing, and all Fish and other Articles forfeited in pursuance of the Salmon Fishery Acts, 1861, 1865, and generally may act as a Constable for the Enforcement of the Provisions of the said Salmon Fishery Acts, and when so acting shall be 35 deemed to be a Constable, and have all the same Powers and Privileges, and be subject to the same Liabilities, as a Constable duly appointed now has or is subject to within his Constableness by virtue of the Common Law of this Realm, or of any Statute.

The Production of the Instrument of Appointment of a Water 40 Bailiff executed in the Manner directed by this Act shall be sufficient Warrant for any Water Bailiff exercising the Authorities given by this Act.

32. Where it appears to any Justice of the Peace, on the Appli- cation of any Conservator or Water Bailiff made on Oath, that such [187.] B Conservator

Order for
Entry of
Water

Bailiff on
Land.

Conservator or Bailiff has good Reason to suspect that Acts in contravention of the Salmon Fishery Acts, 1861 and 1865, are being or are likely to be done on any Land or Premises, not being a Dwelling House, situate on or near to a Salmon River, the Justice may, by Order under his Hand, authorize such Conservator or 5 Bailiff, during a limited Period, to be specified in such Order, not exceeding Seven Days, to enter upon and remain on such Land or Premises during any Hours of the Day or Night for the Purpose of detecting the Persons guilty of the aforesaid Acts; and no Conservator or Water Bailiff entering or remaining on any Land or 10 Premises in pursuance of such Order shall be deemed to be a Trespasser; but this Section shall not affect any other Powers of Search conferred by the Salmon Fishery Acts, 1861 and 1865.

CLAUSE N.
Alteration of
Fish Pass or
Free Gap.

33. On Application to the Secretary of State by any Board of Conservators, setting forth that any Fish Pass or Free Gap, under 15 the Provisions of the Salmon Fishery Act, 1861, is in their Opinion capable of Improvement, the said Secretary of State may direct any Alteration in the said Fish Pass or Free Gap, or may direct a new Fish Pass or Free Gap to be made in another Site, and for the Purposes of this Section, where a River is divided into separate 20 Branches, each Branch shall be considered as a separate River.

Licences.

Issue of
Licences.

34. In any Fishery District subject to the Control of a Board of Conservators, Licences shall be granted at fixed Prices to all Persons using any Rod and Line for fishing for Salmon, and in respect 25 of all Fishing Weirs, Fishing Mill Dams, Putts, Putchers, Nets or other Instruments or Devices, except Rods and Lines, whereby Salmon are caught; and the Produce of such Licences shall be applied in defraying the Expenses of carrying into effect in such District the Salmon Fishery Acts, 1861 and 1865. 30

Rules as to
Licences.

35. The following Rules shall be observed with respect to the Licences granted in pursuance of this Act; that is to say,

- (1.) A Licence for the Use of a Rod and Line within a Fishery District shall be granted to the Person named therein, on Payment of the Sum of One Pound, or such less Sum as 35 may be determined by the Board of Conservators of the District. A Licence for the Use of a Rod and Line shall not in any Case be transferable.
- (2.) Licences for Fishing Weirs, Fishing Mill Dams, Putts, Putchers, Nets, and other Instruments or Devices, except Rods 40 and Lines for catching Salmon, shall be granted on Payment of such Sums, not exceeding the Sums specified in the First Schedule hereto, as may from Time to Time be determined by the

the Board of Conservators of the District, with the Approval of One of Her Majesty's Principal Secretaries of State; Licences for Fishing Weirs, Fishing Mill Dams, Putts, Putchers, Nets, or other such Instruments or Devices as
5 aforesaid, shall be available only for the Use of the Persons, within the Districts, and in respect of the Instruments or Devices to whom, within, and in respect of which the same are respectively granted :

(3.) The Approval of the said Secretary of State to a Scale of
10 Licences for Fishing Weirs, Fishing Mill Dams, Putts, Putchers, Nets, and other Instruments or Devices as aforesaid shall not be given for any District unless One Month's previous Notice of the Intention of the Board to apply for such Approval has been given by Advertisement, stating
15 the Scale of Licence Duties proposed by the Conservators, in some One or more public Newspaper or Newspapers circulating in the District :

(4.) Any Person for the Time being entitled to an exclusive
20 Right of fishing for Salmon in any River or Part of a River, may, upon Application to the Conservators of the District, obtain a General Licence; and such General Licence shall enable the Licensee or any Person authorized by him in Writing under his Hand, without any other Licence, to fish for Salmon in any legal Manner in such
25 River or Part of a River, but it shall not be of any Validity beyond the Limits to which it refers: There shall be paid for such General Licence such Sum as the Conservators may from Time to Time determine, with the Sanction of the said Secretary of State, having regard to the Extent and Productiveness of the Fishery, and to the Nature of the Instruments or Devices used for catching the Fish :

(5.) All Persons demanding to purchase Licences, and tendering
30 to any Person appointed by the Board to distribute the same the Amount of Licence Duty to be paid under the Provisions of this Act, shall be entitled to receive the same without any Question or Objection whatsoever. But no Licence shall confer any Right to fish in any Place or at any Time in or at which the Licensee is not otherwise entitled to fish; nor shall the Grant of a Licence be held to make any Fishing
40 Weir, Fishing Mill Dam, Putts, Putchers, Net, or other Instrument or Device legal that would otherwise be illegal, or to imply any Recognition of the Legality of any such Instrument :

(6.) All Licences granted in pursuance of this Act shall be avail-
45 able only during the Fishing Season of the Year for which they are granted :

- (7.) Licences granted in pursuance of this Act shall be issued by the Conservators of each District, in such Form as may be approved by the Secretary of State, and be distributed in such Manner as they may from Time to Time direct :
- (8.) The Conservators of a District shall, on their first Appoint- 5
ment, give Notice, by Advertisement in One or more
Newspaper or Newspapers published or circulating in their
District, of a Time, not being less than Three Months after
such Appointment, at the Expiration of which it will be
illegal to fish for Salmon in that District without a Licence, 10
and shall state in the Notice a Place or Places within their
District where Licences may be procured; and the Produc-
tion of a Copy of a Newspaper containing any such Ad-
vertisement as aforesaid shall be conclusive Evidence, as
respects a Fishery District, of due Notice having been 15
given of the Time after which it will be illegal in that
District to fish for Salmon without Licences.

Penalty on
fishing with
Rod without
Licence.

36. From and after a Time to be appointed as aforesaid in a Fishery District, any Person fishing in that District with a Rod and Line for Salmon, without a proper Licence, shall be liable to 20
a Penalty of not less than double the Amount to be paid for the requisite Licence, and not exceeding Five Pounds.

Penalty on
fishing at
Weirs or
with Nets
without
Licence.

37. From and after a Time to be appointed as aforesaid in a Fishery District, any Person using within that District any Fishing Weir, Fishing Mill Dam, Putt, Puteher, Net, or other Instrument 25
or Device, not being a Rod and Line, for catching Salmon, without having a proper Licence for the same, shall be liable to a Penalty of not less than double the Amount to be paid for the requisite Licence, and not exceeding Twenty Pounds.

In the Case of Fishing Weirs, Fishing Mill Dams, or other fixed 30
Engines, the Person entitled to the Salmon captured at such Weir, Mill Dam, or other Engine shall be liable to the Penalty hereby imposed for Want of a Licence, unless such Person proves that the Weir, Mill Dam, or other Engine was used for the Capture
of Salmon against his Orders and without his Privy or Consent, 35
in which Case the Person actually using the Weir, Mill Dam, or other Engine shall be liable to the Penalty.

Production
of Licence.

38. Any Licensee under this Act on producing his Licence, any Conservator or Water Bailiff appointed in pursuance of this Act on producing the Instrument appointing him, or any Constable, if 40
authorized so to do by the Justices in Quarter Sessions, may require any Person found fishing with a Rod and Line, Fishing Weir or Fishing Mill Dam, Nets, or other Instruments, to produce his
Licence;

Licence; and the Person required to produce the same shall, if he do not produce the same, or make a reasonable Excuse for the Nonproduction thereof, be liable to a Penalty not exceeding One Pound.

5 **39.** A County of a City or County of a Town shall for the Pur-
 poses of this Act be deemed to be a County; and any Act hereby
 authorized to be done by or to the Justices of a County in Quarter
 Sessions assembled shall, in the Case of a County of a City or County
 of a Town, be done by or to the Council of such City or Town
10 assembled at any Meeting of Council; and any Act to be done by
 or to the Clerk of the Peace may be done by or to the Town Clerk
 or other like Officer; and Notice of a Meeting of the Council given
 in the usual Way shall be equivalent to the Notice of Quarter
 Sessions required to be given in the Case of the Justices of a County.

County of
City or
County of
Town in-
cluded under
the Term

Fixed Engines.

40. "Fixed Engine" shall in this Act and the Salmon Fishery Act, 1861, include any Net or other Implement for taking Fish fixed to the Soil or made stationary either by being held in the Hand or in any other Way, not being a Fishing Weir or Fishing Mill Dam: And whereas by the Eleventh Section of the Salmon Fishery Act, 1861, it is provided that the said Section shall not affect any ancient Right or Mode of fishing as exercised at the Time of the passing of the Act by virtue of any Grant or Charter or immemorial Usage: Be it enacted, That the said Provisions shall extend to exempt from the said Eleventh Section such fixed Engines only as were in use for catching Salmon during the Open Season of One thousand eight hundred and sixty-one, in pursuance of an ancient Right or Mode of fishing as lawfully exercised during such Open Season, by virtue of any Grant or Charter or immemorial Usage, which last-mentioned fixed Engines are herein-after referred to as privileged fixed Engines. But inasmuch as in certain Cases fixed Engines in use during the Years 1859 and 1860, or one of such Years, have from temporary Causes been out of use during the Year 1861, and it is expedient to provide for such Cases, it is hereby declared, that if it is proved to the Satisfaction of the Special Commissioners appointed under this Act, that any fixed Engine in use during the Open Season of 1859 was, from some temporary Cause, not in use during the Open Seasons of 1860 or 1861, Proof of its User during the Open Season of 1859 may be substituted for Proof of its User during the Open Season of 1861, and similarly Proof of User during the Open Season of 1860 may be substituted for Proof of User during the Open Season of 1861, where a fixed Engine used during 1860 was, from some temporary Cause, not in use during 1861; so,

[187.] B 3 nevertheless,

Amendment of Provisions relating to fixed Engines.

nevertheless, that no Person shall by proving the Use of different fixed Engines during the said Years be allowed to be entitled to a Number of privileged Engines exceeding the greatest Number of such Engines in use by him during some One of the Years 1859, 1860, 1861.

5

Commis-
sioners to
inquire as
to fixed
Engines.

41. Subject to such Appeal as is herein-after mentioned, the Special Commissioners appointed under this Act, herein-after referred to as the Commissioners, shall inquire into the Legality of all fixed Engines erected or used for catching Salmon, within the Limits of the Salmon Fishery Acts, 1861 and 1865, and abate and remove 10 all such as are not proved to their Satisfaction to be privileged.

Certificate as
to privileged
Engines.

42. Where a Claim is made by any Person on behalf of a fixed Engine that it is privileged, the Commissioners shall, on Proof being given to their Satisfaction that such Engine is privileged, certify to that Effect, stating in the Certificate the Situation, Size, and 15 Description of the Engine. A Certificate given in pursuance of this Section shall be deemed to be an Order of the Commissioners, and to be subject to Appeal as such. If unappealed from, or as confirmed or amended on Appeal, such Certificate shall be conclusive Evidence that the Engine is a privileged Engine within the 20 Meaning of the Salmon Fishery Acts, 1861 and 1865, but the Certificate shall not render any Engine legal that would be otherwise illegal by reason of its being injurious to Navigation.

Commission-
ers to inquire
as to Fishing
Weirs.

43. Subject to such Appeal as is herein-after mentioned, the Commissioners shall inquire into the Legality of all Fishing Weirs 25 and Fishing Mill Dams throughout the Limits of the Salmon Fishery Acts, 1861 and 1865, and shall remove such Fishing Weirs, and cause to be rendered incapable of catching Fish such Fishing Mill Dams as are in contravention of the Salmon Fishery Act, 1861; provided that where a Fishing Weir is illegal only by reason of its 30 not having a Free Gap, as required by Law, or a Fishing Mill Dam is illegal only by reason of its not having a Fishing Pass attached thereto, as required by Law, this Section shall not empower the Commissioners to remove such Fishing Weir, if an Undertaking be entered into, to the Satisfaction of the Commissioners, by the Owner 35 or other Person interested in such Weir, to make a legal Free Gap therein within a reasonable Time to be prescribed by the Commissioners, and a Free Gap is made accordingly, or to cause to be rendered incapable of catching Fish such Fishing Mill Dam, if a like Undertaking be entered into to attach a Fish Pass thereto, as 40 required by Law, within a reasonable Time to be prescribed by the Commissioners, and such Fish Pass be attached accordingly.

44. The

44. The Commissioners shall advertise in some London News-
paper, and in some Newspaper circulating in the District in which
any Salmon River or Part of a River is situate, Notice of the Place
where and Time when they will be prepared to hold a Court for
5 determining the Legality of all Fishing Weirs, Fishing Milldams,
and fixed Engines on that River or Part of a River.

The Advertisement in the said Newspapers shall be inserted at least
Twenty-eight Days before the Time at which any Court mentioned
therein is appointed to be held. The Commissioners may alter any
10 Place or Time mentioned in such Advertisements, on giving Notice
of such Alteration in such Manner as the Commissioners may think
best calculated to insure Publicity. The above-mentioned Adver-
tisement shall be in the Form marked A. in the Second Schedule
hereto, or as near thereto as Circumstances admit. In addition to
15 the foregoing Advertisements the Commissioners, at least Eight
clear Days before entering upon an Inquiry as to the Legality of
any Fishing Weir, Fishing Milldam, or fixed Engine, shall serve a
Notice on the Owner or One of the Owners of such Fishing Weir,
Fishing Milldam, or fixed Engine, to appear before them at a
20 Place and Time mentioned in such Notice.

Service of a Notice under this Section may be made either by
delivering the Notice personally to such Owner, or leaving it at or
sending it by Post to his last known Place of Abode, or by posting
a Copy of the Notice on the Fishing Weir, Fishing Milldam, or
25 fixed Engine that forms the Subject of the Inquiry.

The Notice shall be in the Form marked B. in the Second
Schedule hereto, or as near thereto as Circumstances admit, and
may be addressed as appears in the said Schedule, and need not
contain the Name of any Person.

30 For the Purposes of this Section any Person for the Time being
receiving the Profits or a Share of the Profits of the Salmon
caught by such Fishing Weir, Fishing Milldam, or fixed Engine
shall be deemed to be the Owner, but in addition to any Owner
the Commissioners shall hear any Person appearing before them,
35 whether legally interested or not, in a Fishing Weir, Fishing
Milldam, or fixed Engine.

Any Person obstructing or refusing Access to any Officer of the
Commissioners who may be desirous of posting any Notice in pur-
suance of this Section on a Fishing Weir, Fishing Milldam, or
40 fixed Engine shall be liable to a Penalty not exceeding Five Pounds
for each Offence, and any Person defacing, destroying, or removing
any such Notice shall be liable to a Penalty not exceeding Forty
Shillings; and a Notice shall be deemed to have been duly posted
where the non-posting thereof has been occasioned, in the Opinion
45 of the Commissioners, by some Person obstructing or refusing Access
to the Officer about to post the same.

The Production of a Copy of a Newspaper containing any Advertisement required by this Act shall, for the Purposes of this Act, be Evidence of such Advertisement having been given at the Time at which the Newspaper bears Date.

CLAUSE I.
Hearing as
to Legality
of fixed
Engines.

45. On the Appearance of the Owner or other Persons for 5
or against any Fishing Weir, Fishing Milldam, or fixed Engine,
and after hearing what, if anything, is alleged by him or them, or
on his or their Behalf, or in the Absence of any such Persons, if
they or any of them do not appear, and the Commissioners are
satisfied that the Notice required by the Act has been given, the 10
Commissioners shall decide as to the Legality or Illegality of
the Fishing Weir, Fishing Milldam, or fixed Engine, and in the
event of their Decision being in favour of its Illegality they may,
by Warrant under their Hands, order any Constable, or any Person,
at the Expense of the Owner, to remove a Fishing Weir, or render 15
incapable of catching Fish a Fishing Milldam, where the Law
requires such Fishing Weir or fixed Engine to be removed, or such
Fishing Milldam to be rendered incapable of catching Fish, or they
may make such other Order in relation to the said Weir, Fishing
Milldam, or fixed Engine as may be just. The Commissioners may 20
sell any fixed Engine, or any Materials belonging to any Fishing
Weir or Fishing Milldam, that are removed in pursuance of this Act,
and apply the Proceeds of the Sale in defraying any Costs, Charges,
and Expenses incident to carrying their Order into effect in reference
to such Fishing Weir, Fishing Milldam, or fixed Engine, and shall 25
render the Surplus, if any, to the Persons they may deem entitled
thereto.

Provided that if it is proved to the Satisfaction of the Commis-
sioners that any Posts or other Materials belonging to an illegal
Fishing Weir or fixed Engine ordered to be removed may be 30
capable of being used by any Person as Evidence of Title to any
Foreshore or other Land, the Commissioners shall, instead of
ordering the entire Removal of such Posts or Materials, require
the Fishing Weir or fixed Engine to be destroyed so far only as
they may in their Discretion think necessary, in order to prevent 35
its being used for Fishing Purposes.

Appeal from
Decision of
Special Com-
missioners.

46. If any Person feels aggrieved with any Decision of the Com-
missioners the Person aggrieved may appeal as follows; that is to
say,

1. The Appeal shall be to the Court of Queen's Bench. 40
2. The Appeal shall be by Special Case stating the Facts and the
Grounds for the Decision.
3. The Special Case shall be settled by the Commissioners upon
the Application of the Appellant to be made in Writing within
Seven

Seven Days after the Delivery of the Decision, and not afterwards.

4. The Application for a Case shall not be entertained by the Commissioners unless the Appellant at the Time of making the same enter into a Recognizance before the said Commissioners or a Justice of the Peace, with or without Sureties, and in such Sum as the Commissioners or the Justice think fit, conditioned to prosecute without Delay the Appeal, and to submit to the Judgment of the Court of Queen's Bench, and to pay such Costs as may be awarded.
5. The Special Case shall be signed by the Commissioners, and shall be delivered to the Appellant by the Commissioners on Payment by him of such Fees as are herein-after mentioned.
6. On the Receipt of the Special Case the Appellant shall within Eight Days serve a Copy on the other Party to the Proceedings, and transmit by Post or otherwise the original Case to the proper Officer of the Court of Queen's Bench.
7. The Fees to be charged in respect of the Preparation of the Special Case shall be the same Fees as are chargeable for the Preparation of a Special Case by the Act passed in the Session of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Forty-three, intituled "An Act to improve the Administration of the Law, so far as respects summary Proceedings before Justices of the Peace," and herein-after referred to as "The Summary Jurisdiction Act."
8. When a Party gives in good Faith Notice of an Appeal under this Section, but omits through Mistake to do some Act necessary to perfect the Appeal, the Appellate Court may permit an Amendment on such Terms as it thinks just.
9. After the Decision of the Court of Queen's Bench has been given on a Case stated as aforesaid, the Commissioners shall have the same Powers to enforce that Decision, when affirmed or amended, as they would have had to have enforced their original Decision if it had not been appealed from.
10. Save as herein-before varied, the Provisions of the Summary Jurisdiction Act as to the Powers of the Superior Court, as to directing a Special Case to be stated, as to the enforcing of Recognizances, and as to all other Matters, shall apply to an Appeal under this Section in the same Manner as if the Words "Justice or Justices" in the said Summary Jurisdiction Act included "the Special Commissioners appointed under this Act."

11. Any Act required by this Section to be done by the Commissioners may be done by Two of them.
12. Pending an Appeal from a Decision of the Commissioners the Fishing Weir or fixed Engine that forms the Subject Matter of such Appeal shall be placed in the Custody of 5 such Officers as the Commissioners may appoint.

Appoint-
ment of
Commission-
ers under
SignManual.

47. Her Majesty may, by Warrant under the Royal Sign Manual, appoint any Number of Persons not exceeding Three, of whom One shall be a Barrister of not less than Seven Years standing at the Bar, to be Commissioners under this Act during Her Majesty's 10 Pleasure, and upon every Vacancy in the Office of any Commissioner by Death, Resignation, or Incapacity to act may appoint some other fit Person to fill the Vacancy: Provided always, that in the Case of a Vacancy by the Death, Resignation, or Incapacity of the Commissioner required by this Act to be a Barrister, another 15 Barrister qualified as aforesaid be appointed in his Place.

Commission-
ers to have
a Common
Seal.

48. The Commissioners appointed under this Act shall be styled "The Special Commissioners for English Fisheries;" they shall cause to be made for their Commission such Seal or Seals as they may require; and any Summons, Order, Warrant, or other Instru- 20 ment, or Copy thereof, purporting to be sealed with the Seal of the Commissioners, and to be signed as herein-after mentioned, shall be received in Evidence without any further Proof.

Commission-
ers not to sit
in Parlia-
ment.

49. No Commissioner shall during his Continuance in Office be capable of being elected or of sitting as a Member of the House of 25 Commons.

Acts of the
Commis-
sioners.

50. All Warrants for the Removal of any Fishing Weir or other fixed Engine, or for the Alteration of any Fishing Milldam, shall be signed by Two at least of the Commissioners, and all Cases relating to the Removal of such Fishing Weir or other fixed Engine, 30 or Alteration of any Fishing Milldam, shall be heard by all the Commissioners, but the Opinions of Two of them shall, in case of Difference, decide any Question; any other Acts authorized to be done by the Commissioners may be done by any One of them, and any Notice or other Instrument under the Seal of the Commis- 35 sioners, and signed by any Person delegated by them, shall be deemed to be sufficiently executed.

The Trea-
sury to fix
Salaries, &c.
and appoint
additional
Officers.

51. The Commissioners of Her Majesty's Treasury may from Time to Time fix such Salaries as they may think fit for the Com- missioners hereby appointed, and also appoint such additional Officers, 40 Clerks, and Servants, at such Salaries as the said Commissioners of the

the Treasury may think proper and necessary, and from Time to Time dismiss such Officers, Clerks, and Servants, and appoint others in their Place.

52. The Officers of the said Commissioners, and all Powers, Rights, and Privileges pertaining thereto, shall continue in force for Two Years, and from thenceforth until the End of the next Session of Parliament.

Duration of
Office of
Commis-
sioners.

53. The Commissioners may examine any Witnesses on Oath, and with respect to enforcing the Attendance of Witnesses, and the Production of Deeds, Books, Papers, and Documents, shall have the same Powers as the Judges of One of Her Majesty's Superior Courts of Westminster have for such or the like Purposes; moreover it shall be lawful for the Commissioners to order any Person to be removed from their Court who may interrupt the Business of the Court, or refuse to obey their lawful Orders in respect of the same; and it shall be the Duty of the Chief Constable, Commissioner, or Chief Officer of Police of the County, City, Borough, or Place in which the Court is held to take care that an Officer of Police do attend that Court during its Sitting, for the Purpose of keeping Order therein, and to carry into effect any such Order of the Commissioners as aforesaid.

CLAUSE J.
Powers of
Commis-
sioners.

54. Copies of Orders of the Commissioners made in pursuance of this Act, with the accompanying Plans and Maps, if any, shall be deposited with the Clerk of the Peace of the County where any Engine or any Subject Matter to which such Order relates is situate; and any Copy of such Order, Plan, or Map purporting to be stamped with the Seal of the Commissioners shall be admissible in Evidence, and any Copy of any Certificate, or Order of the said Secretary of State in pursuance of the Salmon Fisheries Acts, 1861-1865, or either of them, purporting to be stamped with the Official Stamp of the Office of the said Secretary, and to be signed by any Person by Order of the said Secretary of State, shall also be admissible in Evidence.

CLAUSE K.
Copies of
Orders of
Commis-
sioners.

55. Every Person who upon Examination before the Commissioners, or any One of them, wilfully gives false Evidence, and every Person who wilfully swears, affirms, or declares falsely in any Affidavit relating to any Matter within the Cognizance of the Commissioners, shall be liable to the Pains and Penalties of Perjury.

Penalty for
false swear-
ing.

Proceedings
before Com-
missioners
not to be
restrained
by Injunc-
tion, &c.

56. The Commissioners shall not be subject to be restrained in the Execution of their Powers under this Act, nor shall any Person be restrained from making an Application under this Act to the Commissioners, by Order of any Court of Justice or by any other legal Process, nor shall Proceedings before them be removable by 5
Certiorari or other Writ of a like Nature.

Proceedings
not to abate
by Death,
&c.

57. Proceedings before the Commissioners shall not abate or be suspended by any Death or Transmission or Change of Interest; but in any such Case of Death or Transmission or Change of Interest it shall be lawful for the Commissioners, when they see fit, to require Notices to be given to Persons becoming interested, or to make any 10
Orders for continuing, suspending, or carrying on the Proceedings, or otherwise in relation thereto, which to the Commissioners appears just.

Miscellaneous.

Power in
certain Cases
to award Im-
prisonment
with Hard
Labour
instead of
Penalty.

58. Where any Person has been convicted Twice of an Offence 15
under any of the following Sections of the Salmon Fishery Act, 1861, that is to say, Sections Eight, Nine, Fourteen, Seventeen, and Nineteen, he may, on being convicted a Third Time of an Offence against any of the said Sections, instead of being fined in a pecuniary Penalty, be sentenced to Imprisonment with Hard Labour 20
for any Period not exceeding Six Months.

CLAUSE O.
Minimum
Penalties.

59. The Penalty in respect of any Offence under the Salmon Fishery Acts, 1861-1865, shall on a Conviction for a Second Offence, be not less than One Half the greatest Penalty capable of being imposed in respect of such Offence; and on a Conviction for a 25
Third or any subsequent Offence the greatest Amount of Penalty mentioned in the said Acts shall be imposed; but nothing herein contained shall affect the Provisions of the Salmon Fishery Act, 1865, in respect of the Discretion of imposing the Punishment of 30
Hard Labour as therein mentioned.

CLAUSE R.
Forfeiture
of Nets, &c.

60. Where any Person has been convicted of an Offence under Section Seventeen of the Salmon Fishery Act, 1861, he shall, in addition to the Penalties thereby incurred, forfeit any Net or moveable Instrument used in committing such Offence.

CLAUSE S.
Limit of
Time for
Compensa-
tion for Fish
Pass.

61. Whereas by the Twenty-third Section of the Salmon Fishery 35
Act, 1861, any Person sustaining Loss by reason of a Person or Body of Persons affixing a Fish Pass to a Dam, in pursuance of that Section, may recover Compensation for such Injury in a summary Manner, from the Person or Body of Persons by whom such

such Fish Pass has been affixed: Be it enacted, That no such Compensation shall be recovered unless Proceedings for the Recovery of the same are instituted within Twelve Months after the Time at which the Fish Pass was first affixed to the Dam.

- 5 **62.** Where any Person, under the Salmon Fishery Act, 1861, is
 exempted from a Penalty in respect of using or having in his Pos-
 session Salmon Roe, on the Ground that he uses or has it in his
 Possession for artificial Propagation or other scientific Purposes, or
 is upon the same Ground exempt from a Penalty in respect of
 10 taking or having in his Possession unclean or unseasonable Salmon,
 or catching or attempting to catch Salmon when spawning or near
 their Spawning Beds, he shall not, if within a District where a
 Board of Conservators is established, be exempt in any of the
 above Cases from such Penalty unless the Consent of the Board
 15 has been given in Writing to such Use or Possession of Salmon
 Roe, or to such taking Possession of unclean or unseasonable
 Salmon.

Consent of
 Conservators
 necessary for
 artificial
 Propagation
 of Salmon.

- 63.** No Justice of the Peace shall be disqualified from hearing
 any Case arising under the Salmon Fishery Acts, 1861, 1865, or
 20 either of them, by reason of his being a Conservator or a Member
 of a Board of Conservators, or a Subscriber to any Society for
 the Protection of Salmon or Trout.

As to Dis-
 qualification
 of Justices.

- 64.** Where any Penalty is recovered on the Complaint of a Board
 of Conservators or of any Officer of or Person authorized by a Board
 25 of Conservators, the Court shall, unless for special Reason they
 think it inexpedient so to do, direct the whole of the Penalty to be
 paid to the said Board, to be applied by them for the Purposes of
 the Salmon Fishery Acts, 1861, 1865.

Payment of
 Penalties
 to Conser-
 vators in
 certain
 Cases.

- 30 **65.** The River Esk, together with its Banks and Tributary
 Streams up to their Source, shall be deemed to be within the Limits
 of the Salmon Fishery Acts, 1861 and 1865: Provided that all
 Offences against the said Acts committed within Scotch Jurisdiction
 shall be prosecuted and punished in manner directed by the "Salmon
 Fisheries (Scotland) Act, 1862."

River Esk
 within Li-
 mits of Act.

- 35 **66.** Whereas by the Sixth Section of the Salmon Fisheries (Scot-
 land) Act, 1862, herein-after referred to as the Scotch Salmon Act,
 Power is given to the Commissioners therein mentioned, herein-after
 referred to as the Scotch Commissioners, to define for the Purposes
 of the Acts relating to Salmon Fisheries in Scotland the Limits of
 40 each River, including the Estuary thereof, and also to fix the

CLAUSE L
 Amendment
 of Sec. 33 of
 25 & 26 Vict.
 c. 97.

Limits of the Solway Firth in manner therein mentioned : And whereas the said Scotch Commissioners have in pursuance of the said Scotch Salmon Act defined the Limits of the Rivers in Scotland, including the Estuaries thereof, and also the Limits of the Solway Firth : And whereas by the Thirty-third Section of the 5 said Scotch Salmon Act it is provided that from and after the First Day of January One thousand eight hundred and sixty-five the Provisions of the said Salmon Fishery Act, 1861, shall extend and apply to Salmon Fisheries in the Waters and on the Shores of the Solway Firth situate in Scotland, as the same may be fixed by 10 Authority of the said Scotch Salmon Act, and to the Rivers flowing into the same, in so far as such Provisions relate to the Use of fixed Engines for the taking of Salmon : Provided that all Offences against such Provisions are to be prosecuted and punished as directed by the said Scotch Salmon Act : And whereas Doubts are enter- 15 tained whether the Definition of the Limits of such of the Rivers in Scotland as flow into the Solway Firth, including the Estuaries of such Rivers, and also whether the Definition of the Solway Firth, have been validly made by the said Scotch Commissioners : And whereas it is expedient to explain and otherwise amend the 20 said Thirty-third Section of the Scotch Salmon Act : Therefore, firstly, it is declared, that the Power of defining the Limits of Rivers, including the Estuaries contained in the said Scotch Salmon Act, shall be deemed to have extended and to extend to defining the Limits of Rivers flowing into the Solway Firth, including the Estuaries 25 thereof ; and further that all Definitions of Rivers flowing into the Solway Firth, including the Estuaries thereof, made by the said Scotch Commissioners in pursuance of the Scotch Salmon Act, and also the Definition of the Solway Firth as made by the same Commissioners previously to the passing of this Act, are valid and duly 30 made ; secondly, that the Solway Firth as defined by the Scotch Commissioners shall be deemed not to include any Waters which are within the Limits of the Rivers and Estuaries so defined by the same Commissioners as aforesaid ; thirdly, that this Act, so far as it relates to the Definition of fixed Engines ; and to the Powers 35 of the Commissioners appointed under this Act to inquire into the Legality of Fishing Weirs, Fishing Milldams, and fixed Engines, shall extend to the said Solway Firth so defined as aforesaid.

Partial
Application
of Salmon
Acts to
Trout in Sal-
mon Rivers.

67. The Sections of the Salmon Fishery Act, 1861, that apply to fishing with Lights, Spears, and other prohibited Instruments, 40 and to using Roe as a Bait, and which are numbered respectively Eight and Nine, shall apply to Trout in a Salmon River situate in a Fishery District which is subject to a Board of Conservators appointed under this Act ; and in any such River no Person shall fish

fish for, catch or attempt to catch, or kill any Trout between the Second Day of November and the First Day of February following, both inclusive; and any Person fishing for, catching or attempting to catch, or kill any Trout in any such River as aforesaid
5 during such Interval as aforesaid shall forfeit any Trout caught by him, and shall, in addition thereto, be liable to a Penalty not exceeding Two Pounds for each Offence: Provided always, that nothing herein contained shall apply to any Person having in his Possession Trout or Trout Roe for the Purpose of artificial Propagation or other Purpose, if such Person has the Permission in
10 Writing of the Board of the District in which the River runs from whence such Trout or Trout Roe has been taken to catch such Trout and to have in his Possession such Trout or Trout Roe for the Purposes aforesaid.

FIRST SCHEDULE.

LICENSE DUTIES.

						Maximum.			
						£	s.	d.	
Draft or Hang Nets	-	-	-	-	each	5	0	0	5
Coracle Nets	-	-	-	-	"	2	0	0	
Box, Crib, or Cruive	-	-	-	-	"	10	0	0	
Putts	-	-	-	-	"	0	2	6	
Putchers, under 50	-	-	-	-	-	1	0	0	10
For every additional 50 or Part thereof	-	-	-	-	-	1	0	0	
For Outriggers or Leaders to Putts or Putchers of 100	-	-	-	-	-	1	0	0	
Yards in Length, or under	-	-	-	-	-	1	0	0	
For any Outriggers or Leaders of greater Length	-	-	-	-	-	5	0	0	15
For V-Weirs, or Gog-heads or Baulks, each	-	-	-	-	-	10	0	0	
Otter, Lath, or Jack	-	-	-	-	each	3	0	0	
Cross Line	-	-	-	-	"	2	0	0	

For any Instrument not named in this Schedule, and not being a Rod and Line, such Sum as may be determined by the Conservators with the Approval of the Secretary of State.

SECOND SCHEDULE.

FORM A.

20

ADVERTISEMENT.—SALMON FISHERY ACTS, 1861, 1865.

Notice is hereby given, That the Special Commissioners for English Fisheries will hold a Court

and at such Court will proceed to inquire into the Legality of all Fishing Weirs, Fishing Milldams, and fixed Engines, situate on the
and all Persons interested in such
Engines are required to attend at such Court from Day to Day until discharged, in order that a Decision may be made by the said Commissioners with respect to the Removal of such Fishing Weirs or fixed Engines, or the Alteration of such Fishing Milldams, or that such other Order may be made by them in the Premises as the Facts of each Case appear to warrant.

FORM B.

NOTICE.

To the Owner of the
Persons interested therein.
Take notice, you are required to appear before us, the Special Commissioners for English Fisheries,

and thenceforward from Day to Day until discharged, in
order

order that there may be then and there an Inquiry by us touching the Legality of _____ and that a Decision may be made by us with respect to their Removal, or that such other Order may be made by us in the Premises as the Facts of the Case may appear to us to warrant.

5

Given under our Hands and under the Common Seal of the said

Commissioners this

Day of

186

Salmon Fishery Act (1861)
Amendment.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

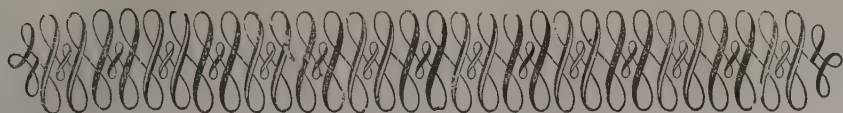
To amend "The Salmon Fishery Act,
1861."

(Prepared and brought in by
Mr. Baring and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
1 June 1865.

[Bill 187.]

Under 4 oz.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON
RE-COMMITMENT]

TO

Amend “The Salmon Fishery Act, 1861.”

WHEREAS by the Thirty-third Section of the “Salmon Fishery Act, 1861,” it is provided that it shall be lawful for the Justices of the Peace assembled at any General or Quarter Sessions of the Peace, from Time to Time to
5 appoint Conservators or Overseers for the Preservation of Salmon, and enforcing, for that Purpose, the Provisions of the said Act within the Limits of the Jurisdiction of such Justicēs: And whereas no Funds are provided by the said Act for carrying into effect the Purposes thereof, and no Provisions are made for securing the
10 Co-operation of the Conservators of different Counties where a River frequented by Salmon borders on or passes through several Counties: And whereas it is expedient to amend the said Act in respect of the foregoing Particulars; and it is also expedient to make further Provisions for the Removal of illegal fixed Engines,
15 and otherwise to amend the said Act: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

[Bill 220.]

A

Pre.

Preliminary.

- Short Title of Act. **1.** This Act may be cited for all Purposes as "The Salmon Fishery Act, 1865," and this Act and the Salmon Fishery Act, 1861, may be cited together as the "Salmon Fishery Acts, 1861 and 1865."
- Construction of Act. **2.** This Act, so far as is consistent with the Tenor thereof, shall be read as One with the Salmon Fishery Act, 1861. 5
- Definitions. **3.** In this Act and the Salmon Fishery Act, 1861, the following Words shall have the Meanings herein-after assigned to them, unless there be something in the Subject or the Context repugnant to such Construction; that is to say, 10
- "River" shall include such Portion of any Stream or Lake, with its Tributaries, and such Portion of any Estuary, Sea, or Sea Coast as may from Time to Time be declared, in manner herein-after provided, to belong to such River:
- "Salmon River" shall mean any River as above defined frequented by Salmon or Young of Salmon: 15
- "Quarter Sessions" shall include "General Sessions:"
- Any Riding, Division, or Liberty of a County having a separate Court of Quarter Sessions shall, for the Purposes of this Act, be deemed to be a County. 20

Appointment of Conservators.

- Power for Justices of County to apply for Formation of Fishery Districts. **4.** The Justices of a County at any Court of Quarter Sessions held after the passing of this Act (due Notice having been previously given according to the Practice of the said Sessions) may, by Writing under the Hand of their Chairman, apply to One of 25 Her Majesty's Principal Secretaries of State to form into a Fishery District or Districts all or any of the Salmon Rivers lying wholly or partly within their County, and the said Secretary of State may form such District or Districts accordingly, and may include in any District so formed any River or Rivers, or Parts thereof, although 30 not situated in the County on behalf of which the Application is made.

- Limits of River and of Fishery District how settled. **5.** The Limits of a River shall be defined for the Purposes of this Act, and a Fishery District shall be formed, by a Certificate under the Hand of One of Her Majesty's Principal Secretaries of State, describing the Limits of the River or District by a Reference to a 35 Map or otherwise, as to the said Secretary may appear expedient, but no such Certificate shall be granted unless One Month's previous Notice of the Intention of the said Secretary to grant the same, and of the intended Limits of the River or District, has been given by Advertisement in such Newspaper or Newspapers 40 published or circulating within the intended Limits, and in such daily

daily Morning Newspaper or Newspapers published in London, as may be directed by the said Secretary of State, and when a Certificate has been granted a Copy shall be advertised in such Newspaper or Newspapers.

5 6. Where any Fishery District lies wholly within any One County the Justices of that County in Quarter Sessions assembled shall appoint a Board of Conservators for that District, and shall name the Time and Place at which the First Meeting of any Board so appointed is to be held.

10 7. Where a Fishery District does not lie wholly within the Limits of One County, the Justices of any County within which any Part of such District lies, assembled at any Court of Quarter Sessions, may apply to the Justices of every other County in that District to appoint at their next Court of Quarter Sessions a Fishery Committee of Three of their Number, to form, with the Fishery Committee of the like Number to be appointed at that Sessions by the County making the Application, a Joint Fishery Committee for the District.

Committee for Fishery District in different Counties.

8. An Application under this Act by the Justices of One County to the Justices of another, in respect of the Appointment of a Joint Fishery Committee, shall be made by the Clerk of the Peace of the One County sending, within Fourteen Days after the holding of the Sessions at which the Application is resolved on, to the Clerk of the Peace of the other County, by Post, a Letter requiring the Justices of the other County to appoint a Fishery Committee at their then next ensuing Quarter Sessions, and it shall be the Duty of the Clerk of the Peace making the Application, and of the Clerk of the Peace of every County to whom such Application is sent, to add to the Notice required by Law to be given of the holding of such last-mentioned Sessions a Notice of the Appointment proposed to be made of a Fishery Committee.

9. At the Quarter Sessions mentioned in the Application, the Justices of each County shall appoint a Fishery Committee of Three of their Members; and any County neglecting to make such Appointment shall be deemed to have concurred in any
35 Decision that may be arrived at by the Fishery Committees of the other Counties, or of such of them as may appoint a Fishery Committee.

Appointment of Fishery Committee.

10. The Clerk of the Peace of every County shall, as soon as possible after the Appointment of a Fishery Committee by his
County, give Notice by Post to the Clerk of the Peace of every other
[220.] A 2 County

Notice of
Appoint-
ment of
Fishery
Committee.

County in the District, stating in such Notice the Names and Addresses of the Members composing the Fishery Committee of his County, and the Clerk of the Peace of the County that made the Application for such Appointment shall, in the Notice sent by him, name a Time and Place at which the Joint Fishery Committee 5 for such District is to meet.

Proceedings
of Joint
Fishery
Committee.

11. The said Joint Fishery Committee, on meeting at the Time and Place aforesaid, shall elect a Chairman, and the Chairman elected at the First Meeting shall, if he is present at the Time appointed for holding any other Meeting, be Chairman of that Meeting; if 10 he is not so present the Members present may choose any One of their Number present to be Chairman of such last-mentioned Meeting.

A Joint Fishery Committee may adjourn from Time to Time and from Place to Place, and One Third of the whole Number of 15 Members appointed shall be a Quorum.

Every Question shall be decided by a Majority of Votes of the Members voting on that Question, and in the event of an Equality of Votes at any Meeting the Chairman shall have a Second or Cast- 20 ing Vote.

The Proceedings of a Joint Committee shall not be invalidated by reason of there being any Vacancy or Vacancies in their Body.

Meeting
of Joint
Fishery
Committee.

12. The said Joint Fishery Committee shall proceed to appoint a Board of Conservators for such District, and shall determine the 25 following Matters :

1. The Number of Conservators to be appointed as a Board:
2. The Number of Members of the Board to be appointed by each County in the District :
3. The Names of the First Members of the Board, distinguishing those who are to be considered as appointed by each County : 30
4. The Time and Place at which the First Meeting of the said Board is to be held :
5. The County by the Quarter Sessions of which the Accounts of the Board are to be audited, herein-after referred to as the Audit County. 35

Any Member of a Joint Committee may be appointed Member of the Board.

Dissolution
of a Joint
Fishery
Committee.

13. When a Joint Committee have completed their Dispositions for the Formation of a Board of Conservators for a District, they shall give Notice by Post of such Dispositions to the Clerks of the 40 Peace of all the Counties in such District, and when such Notice has been given the Joint Committee shall be dissolved.

14. All

14. All Justices of the Peace for any County any Part whereof is within the Limits of any Fishery District, being either Owners or Occupiers of any Lands of the Value of not less than One hundred Pounds per Annum, abutting upon any Salmon River within the same, and having a Right of Fishing in such River, and all Persons paying under this Act Licence Duty within that District to an Amount of not less than Fifty Pounds per Annum each, shall be ex-officio Members of the Board of Conservators for such District in addition to the appointed Members of the said Board.
15. The Members of a Board of Conservators shall hold Office for One Year, and be appointed annually at Quarter Sessions, and in the Case of a Board formed by a Joint Committee in the Proportions fixed by that Committee. Retiring Members shall be eligible for Re-appointment; and if at the Time when any annual Appointment ought to take place no such Appointment is made the existing Conservators shall remain in Office until their Successors are appointed.
- Any casual Vacancy occurring by Death, Resignation, or otherwise in the Office of Conservator may be filled up by the Board, and the Member chosen to fill such Vacancy shall hold his Office for such Time only as the Member vacating would have held the same if no Vacancy had occurred.
16. Notice of the First and of every subsequent Appointment of a Board of Conservators, specifying the Names and Addresses of the Persons appointed, shall, in the Case of a Board appointed by the Justices of a single County, be advertised by the Clerk of the Peace of that County in some Newspaper published or circulated in such County, and in the Case of a Board appointed by a Joint Committee be advertised by the Clerk of the Peace of every County in the District in some Newspaper published or circulated in that County.
17. After the Appointment of a Board of Conservators in pursuance of this Act in any District the Powers of all Conservators or Overseers for the Preservation of Salmon, appointed in pursuance of any other Act of Parliament, of Charter or Custom, and all Powers of appointing the same, shall absolutely determine within the Limits of the said District.
18. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of any Orders or Proceedings relating to the Appointment of a Board of Conservators in any District after the Expiration of Three Calendar Months from the Date of the Advertisement of such Appointment in the Newspaper, and a Copy of the Newspaper containing the Advertisement of the Appointment of a Board of Conservators shall be receivable in all Courts of
- Ex-officio Members of Board.
- Tenure of Office by Conservators.
- Notice of Appointment of Conservators.
- Cessor of Powers of existing Conservators.
- Rules as to Objections and Evidence.

Justice and in all legal Proceedings as Evidence of such Appointment having been made.

Provision as
to common
Estuary.

19. Where more than One Salmon River not included in the same Fishery District flows into a common Estuary the said Secretary of State may define the Limits of such Estuary, including therein any 5
Portion of the adjoining Sea or Seacoast, and form it into a separate District, and place the whole of such District, either temporarily or permanently, within the Jurisdiction of any One or more of the Boards having Jurisdiction over the Salmon Rivers flowing into the Estuary, or place such District under the Jurisdiction of a 10
Board composed of Representatives from the other Boards, and may require such Board or Boards to pay a certain Proportion of the Licence Duties received by them to any other Board or Boards.

Alterations
of Fishery
District.

20. A Fishery District may from Time to Time be altered by including therein or excluding therefrom any Salmon River or Part 15
of a Salmon River. Any such Alteration shall be made by a Certificate of the said Secretary of State, upon the Application of the Board of Conservators of the District, and after not less than Six Months previous Notice in Writing has been given to any other Board whose District is affected by such Alteration. Where the 20
Effect of such Alteration is to include in a District a Portion of a County not hitherto included, the Justices of that County in Quarter Sessions assembled shall add such Number of Members to the existing Board of the District as the said Secretary of State may determine, and where the Effect of the Alteration is to exclude alto- 25
gether from the District any County, the Members of the Board appointed by such County shall cease to hold their Offices at the Board, and the Members of the Board appointed by the other Counties in the District may respectively be increased in such Manner as the said Secretary thinks fit: Provided, firstly, that no 30
Alteration of any District shall affect the Powers of any existing Board or Boards until the new Districts are fully constituted, and any Change occasioned by such Alteration in the Constitution of any existing Board or Boards completely carried into effect; secondly, that Notices of any Alteration made in a District or in 35
the Constitution of a Board of Conservators in pursuance of this Section shall be advertised in some Newspaper or Newspapers published or circulated in the District or Districts affected by such Alteration.

Board of Conservators, and their Officers.

40

Constitution
of Board of
Conser-
vators.

21. A Board of Conservators shall be a Body Corporate, having perpetual Succession and a Common Seal, with Power to make Contracts, and to sue and be sued in a common Name.

22. A Board

22. A Board of Conservators shall meet for the Despatch of Proceedings of Board.
Business, and shall from Time to Time make such Regulations with
respect to the Election of a Chairman of their Meetings, the sum-
moning, Notice, Place, Management, and Adjournment of their
5 Meetings, and generally with respect to the Transaction and
Management of Business, including the Quorum at Meetings, as
they think fit, subject to the following Conditions :

10 (a.) The First Meeting after the Formation of the District shall
be held at the Time and Place fixed in manner pro-
vided by this Act :

(b.) An Extraordinary Meeting may be summoned at any Time,
on the Requisition of Three Members of the Board :

(c.) The Quorum to be fixed by the Board shall consist of not
less than Three Members :

15 (d.) Every Question shall be decided by a Majority of Votes of
the Members voting on that Question ; and in the event
of an Equality of Votes the Chairman for the Time being
shall have a Second or Casting Vote.

23. A Board of Conservators may appoint Committees of their Appoint-
20 Members, may fix a Quorum for each Committee, and may lay ment of
down Rules for its Guidance. Every Question before a Committee Committees.
shall be decided by a Majority of Votes of the Members voting on
that Question ; and in the event of an Equality of Votes the
Chairman for the Time being shall have a Second or Casting
25 Vote.

24. Where any Salmon River is within the Jurisdiction of a Amendment
Board of Conservators appointed under this Act, any Application of Section
to the Home Office in respect of the Close Time on such River, 18. of Salmon
in pursuance of Section Eighteen of "The Salmon Fishery Act, Fishery Act,
30 1861," shall be made by the Board of Conservators, instead of by 1861.
the Justices in Quarter Sessions assembled.

25. No Act or Proceeding of a Board of Conservators shall be Vacancies in
questioned on account of any Vacancy or Vacancies in their Body ; Board and
and no Defect in the Qualification or Appointment of any Person Defect in
35 or Persons acting as Member or Members of such Board shall be Qualification
deemed to vitiate any Proceedings of such Board in which he or of Members.
they have taken part.

26. Any Minute made of Proceedings at a Meeting of a Board Evidence of
of Conservators, if signed by the Chairman of that Meeting, either Proceedings
40 at the Meeting of the Board at which such Proceedings took place, at Meeting.
or at the next ensuing Meeting of the Board at which such Person

may be present, shall be receivable in Evidence in all legal Proceedings without further Proof; and until the contrary is proved every Meeting of the Board in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified. 5

Enumera-
tion of
Powers of
Board of
Conserva-
tors.

27. A Board of Conservators shall have Power within their District to do the following Things, or such of them as they may in their Discretion think expedient; that is to say,

- (1.) From Time to Time, by Writing under the Hand of the Acting Chairman for the Time being of the Board, to appoint a suffi- 10
cient Number of Water Bailiffs and other Officers, to assign to them their Salaries and Duties, and to remove any Water Bailiff or Officer so appointed: Provided always, that nothing herein contained shall prevent the said Board of Conservators from obtaining the Services of additional Con- 15
stables under the Act Third and Fourth Victoria, Chapter Eighty-eight, Section Nineteen, for the Purpose of carrying out the Provisions of this Act; such Constables, when appointed, to have all the Powers and Privileges of Water Bailiffs, and to be paid for their Services by the said Board: 20
- (2.) To issue such Licences for fishing as are provided by this Act:
- (3.) To purchase by Agreement, for the Purpose only of Removal, Dams, Fishing Weirs, Fishing Mill Dams, or fixed Engines they may deem it expedient to remove for the Benefit of the Fisheries in their District: 25
- (4.) To take legal Proceedings against Persons violating the Provisions of the Salmon Fishery Acts, 1861, 1865, or either of them, or for removing such Weirs or other fixed Engines as they may be advised are illegal:
- (5.) Generally to execute such Works, do such Acts, and incur 30
such Expenses as they may deem expedient to be executed, done, or incurred for the Protection and Improvement of the Salmon Fisheries within their District, the Increase of Salmon, and the stocking of the Waters in their District therewith, but so that it shall not be lawful for a Board of Conservators 35
to pay to any Member of the Board any Salary, Fees, or other Remuneration for his acting in any way as a Member of or under the Board.

Mortgage of
Licence
Duties.

28. A Board of Conservators may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them 40
under the Salmon Fishery Acts, 1861, 1865, borrow and take up, at Interest on the Credit of the Licence Duties authorized to be imposed by them, or of any other Property belonging to them, any Sums of
Money

Money necessary for defraying such Costs, Charges, and Expenses ;
and for the Purpose of securing the Repayment of any Sums of
Money so borrowed, together with such Interest as aforesaid, the
Board of Conservators may mortgage and assign over to the
5 Persons by or on behalf of whom such Sums are advanced, the said
Duties and Property, or any Part thereof; and the Clauses of the
Commissioners Clauses Act, 1847, with respect to Mortgages to be
created by the Commissioners, shall form Part of and be incorporated
with this Act, and any Mortgagee or Assignee may enforce Payment
10 of his Principal and Interest by Appointment of a Receiver.

29. An Account of the Receipts and Disbursements of every Audit of
Accounts of
Board.
Board of Conservators, in such Form and with such Particulars as
may be required by the Court of Quarter Sessions that appoints the
Board, or in the Case of a Joint Board by the Court of Quarter
15 Sessions of the Audit County, shall be laid annually before such Courts
of Quarter Sessions as aforesaid, and the Justices assembled at such
Courts may disallow any Item that they consider to be illegal.

30. Any Conservator or Water Bailiff appointed under this Act Power of
Water
Bailiff for
Protection of
Fisheries.
may examine any Dam, Fishing Weir, Fishing Mill Dam, or fixed
20 Engine within the Limits of his District, or any artificial Water-
course connected with a Salmon River in that District, and any
Owner or Occupier of any such Dam, Weir, Engine, or artificial
Watercourse, refusing to any Conservator or Water Bailiff Access
to such Dam, Weir, Engine, or Watercourse, shall be liable to a
25 Penalty not exceeding Five Pounds for each Offence.

A Conservator or Water Bailiff may search all Boats, Nets,
Baskets, and other Instruments used in fishing in Salmon Rivers ;
he may seize all illegal Nets and other Instruments of fishing, and
all Fish and other Articles forfeited in pursuance of the Salmon
30 Fishery Acts, 1861, 1865, and generally may act as a Constable for
the Enforcement of the Provisions of the said Salmon Fishery Acts,
and when so acting shall be deemed to be a Constable, and have
all the same Powers and Privileges, and be subject to the same
Liabilities, as a Constable duly appointed now has or is subject to
35 within his Constableness by virtue of the Common Law of this
Realm, or of any Statute.

The Production, with respect to a Conservator, of a Certificate
of his being a Conservator under the Common Seal of the Board
of which he is a Member, and with respect to a Water Bailiff the
40 Production of the Instrument of his Appointment, executed in the
Manner directed by this Act, shall be sufficient Warrant for any
Conservator or Water Bailiff exercising the Authorities given by
this Act.

Order for
Entry of
Water
Bailiff on
Land.

31. Where it appears to any Justice of the Peace, on the Application of any Conservator or Water Bailiff made on Oath, that such Conservator or Bailiff has good Reason to suspect that Acts in contravention of the Salmon Fishery Acts, 1861 and 1865, are being or are likely to be done on any Land or Premises, not being a Dwelling House, situate on or near to a Salmon River, the Justice may, by Order under his Hand, authorize such Conservator or Bailiff, during a limited Period, to be specified in such Order, not exceeding Seven Days, to enter upon and remain on such Land or Premises during any Hours of the Day or Night for the Purpose of detecting the Persons guilty of the aforesaid Acts; and no Conservator or Water Bailiff entering or remaining on any Land or Premises in pursuance of such Order shall be deemed to be a Trespasser; but this Section shall not affect any other Powers of Search conferred by the Salmon Fishery Acts, 1861 and 1865. 15

Alteration of
Fish Pass or
Free Gap.

32. On Application to the Secretary of State by any Board of Conservators, setting forth that any Fish Pass or Free Gap within their District, under the Provisions of the Salmon Fishery Act, 1861, is in their Opinion capable of Improvement, the said Secretary of State may direct any Alteration in the said Fish Pass or Free Gap, or may direct a new Fish Pass or Free Gap to be made in another Site, and the Board of Conservators shall defray all Costs, Charges, and Expenses attending the Alteration or Erection of any such Fish Pass or Free Gap, and for the Purposes of this Section, where a River is divided into separate Branches, each Branch shall be considered as a separate River. 20 25

Licences.

Issue of
Licences.

33. In any Fishery District subject to the Control of a Board of Conservators, Licences shall be granted at fixed Prices to all Persons using any Rod and Line for fishing for Salmon, and in respect of all Fishing Weirs, Fishing Mill Dams, Putts, Putchers, Nets or other Instruments or Devices, except Rods and Lines, whereby Salmon are caught; and the Produce of such Licences shall be applied in defraying the Expenses of carrying into effect in such District the Salmon Fishery Acts, 1861 and 1865. 30 35

Rules as to
Licences.

34. The following Rules shall be observed with respect to the Licences granted in pursuance of this Act; that is to say,

- (1.) A Licence for the Use of a Rod and Line within a Fishery District shall be granted to the Person named therein, on Payment of the Sum of One Pound, or such less Sum as may be determined by the Board of Conservators of the District. A Licence for the Use of a Rod and Line shall not in any Case be transferable. 40

(2.) Licences

(2.) Licences for Fishing Weirs, Fishing Mill Dams, Putts, Putchers, Nets, and other Instruments or Devices, except Rods and Lines for catching Salmon, shall be granted on Payment of such Sums, not exceeding the Sums specified in the First Schedule hereto, as may from Time to Time be determined by the Board of Conservators of the District, with the Approval of One of Her Majesty's Principal Secretaries of State; Licences for Fishing Weirs, Fishing Mill Dams, Putts, Putchers, Nets, or other such Instruments or Devices as aforesaid, shall be available only for the Use of the Persons, within the Districts, and in respect of the Instruments or Devices to whom or for whose Use, within, and in respect of which the same are respectively granted :

(3.) The Approval of the said Secretary of State to a Scale of Licences for Fishing Weirs, Fishing Mill Dams, Putts, Putchers, Nets, and other Instruments or Devices as aforesaid shall not be given for any District unless One Month's previous Notice of the Intention of the Board to apply for such Approval has been given by Advertisement, stating the Scale of Licence Duties proposed by the Conservators, in some One or more public Newspaper or Newspapers circulating in the District :

(4.) Any Person for the Time being entitled to an exclusive Right of fishing for Salmon in any River or Part of a River, may, upon Application to the Conservators of the District, obtain a General Licence ; and such General Licence shall enable the Licensee or any Person authorized by him in Writing under his Hand, without any other Licence, to fish for Salmon in any legal Manner in such River or Part of a River, but it shall not be of any Validity beyond the Limits to which it refers : There shall be paid for such General Licence such Sum as the Conservators may from Time to Time determine, with the Sanction of the said Secretary of State, having regard to the Extent and Productiveness of the Fishery, and to the Nature of the Instruments or Devices used for catching the Fish :

(5.) All Persons demanding to purchase Licences, and tendering to any Person appointed by the Board to distribute the same the Amount of Licence Duty to be paid under the Provisions of this Act, shall be entitled to receive the same without any Question or Objection whatsoever. But no Licence shall confer any Right to fish in any Place or at any Time in or at which the Licensee is not otherwise entitled to fish ; nor shall the Grant of a Licence be held to make any Fishing Weir, Fishing Mill Dam, Putts, Putchers, Net, or other Instrument or Device legal that would otherwise be illegal,

or to imply any Recognition of the Legality of any such Instrument :

- (6.) All Licences granted in pursuance of this Act shall be available only during the Fishing Season of the Year for which they are granted : 5
- (7.) Licences granted in pursuance of this Act shall be issued by the Conservators of each District, in such Form as may be approved by the Secretary of State, and be distributed in such Manner as they may from Time to Time direct :
- (8.) The Conservators of a District shall, on their first Appoint- 10
ment, give Notice, by Advertisement in One or more Newspaper or Newspapers published or circulating in their District, of a Time, not being less than Three Months after such Appointment, at the Expiration of which it will be illegal to fish for Salmon in that District without a Licence, 15
and shall state in the Notice a Place or Places within their District where Licences may be procured ; and the Production of a Copy of a Newspaper containing any such Advertisement as aforesaid shall be conclusive Evidence, as respects a Fishery District, of due Notice having been 20
given of the Time after which it will be illegal in that District to fish for Salmon without Licences.

Penalty on
fishing with
Rod without
Licence.

35. From and after a Time to be appointed as aforesaid in a Fishery District, any Person fishing in that District with a Rod and Line for Salmon, without a proper Licence, shall be liable to 25
a Penalty of not less than double the Amount to be paid for the requisite Licence, and not exceeding Five Pounds.

Penalty on
fishing at
Weirs or
with Nets
without
Licence.

36. From and after a Time to be appointed as aforesaid in a Fishery District, any Person using within that District any Fishing Weir, Fishing Mill Dam, Putt, Putter, Net, or other Instrument 30
or Device, not being a Rod and Line, for catching Salmon, without having a proper Licence for the same, shall be liable to a Penalty of not less than double the Amount to be paid for the requisite Licence, and not exceeding Twenty Pounds.

In the Case of Fishing Weirs, Fishing Mill Dams, or other fixed 35
Engines, the Person entitled to the Salmon captured at such Weir, Mill Dam, or other Engine shall be liable to the Penalty hereby imposed for Want of a Licence, unless such Person proves that the Weir, Mill Dam, or other Engine was used for the Capture of Salmon without his Privity or Consent, in which Case the 40
Person actually using the Weir, Mill Dam, or other Engine shall be liable to the Penalty.

Production
of Licence.

37. Any Licensee under this Act on producing his Licence, any Conservator on producing a Certificate of his being a Conservator, or

or any Water Bailiff appointed in pursuance of this Act on producing the Instrument appointing him, or any Constable, if authorized so to do by the Justices in Quarter Sessions, may require any Person found fishing with a Rod and Line, Fishing Weir or
 5 Fishing Mill Dam, Net, or other Instrument, to produce his Licence; and the Person required to produce the same shall, if he do not produce the same, or make a reasonable Excuse for the Nonproduction thereof, be liable to a Penalty not exceeding One Pound.

- 10 **38.** A County of a City or County of a Town shall for the Purposes of this Act be deemed to be a County; and any Act hereby authorized to be done by or to the Justices of a County in Quarter Sessions assembled shall, in the Case of a County of a City or County of a Town, be done by or to the Council of such City or Town
 15 assembled at any Meeting of Council; and any Act to be done by or to the Clerk of the Peace may be done by or to the Town Clerk or other like Officer; and Notice of a Meeting of the Council given in the usual Way shall be equivalent to the Notice of Quarter Sessions required to be given in the Case of the Justices of a County.

County of
City or
County of
Town in-
cluded under
the Term
County.

20 *Fixed Engines.*

- 39.** "Fixed Engine" shall in this Act and the Salmon Fishery Act, 1861, include any Net or other Implement for taking Fish, fixed to the Soil, or made stationary in any other Way, not being a Fishing Weir or Fishing Mill Dam: And whereas by the
 25 Eleventh Section of the Salmon Fishery Act, 1861, it is provided that the said Section shall not affect any ancient Right or Mode of fishing as exercised at the Time of the passing of the Act by virtue of any Grant or Charter or immemorial Usage: Be it enacted, That the said Provisions shall extend to exempt from the
 30 said Eleventh Section such fixed Engines only as were in use for catching Salmon during the Open Season of One thousand eight hundred and sixty-one, in pursuance of an ancient Right or Mode of fishing as lawfully exercised during such Open Season, by virtue of any Grant or Charter or immemorial Usage, which last-men-
 35 tioned fixed Engines are herein-after referred to as privileged fixed Engines. But inasmuch as in certain Cases fixed Engines in use during the Years 1859 and 1860, or one of such Years, have from temporary Causes been out of use during the Year 1861, and it is expedient to provide for such Cases, it is hereby declared, that if it is
 40 proved to the Satisfaction of the Special Commissioners appointed under this Act, that any fixed Engine in use during the Open Season of 1859 was, from some temporary Cause, not in use during the Open Seasons of 1860 or 1861, Proof of its User during the Open Season of 1859 may be substituted for Proof of its User during

Amendment
of Provisions
relating to
fixed En-
gines.

the Open Season of 1861, and similarly Proof of User during the Open Season of 1860 may be substituted for Proof of User during the Open Season of 1861, where a fixed Engine used during 1860 was, from some temporary Cause, not in use during 1861; so, nevertheless, that no Person shall by proving the Use of different 5 fixed Engines during the said Years be allowed to be entitled to a Number of privileged Engines exceeding the greatest Number of such Engines in use by him during some One of the Years 1859, 1860, 1861.

Commis-
sioners to
inquire as
to fixed
Engines.

40. Subject to such Appeal as is herein-after mentioned, the 10 Special Commissioners appointed under this Act, herein-after referred to as the Commissioners, shall inquire into the Legality of all fixed Engines erected or used for catching Salmon, within the Limits of the Salmon Fishery Acts, 1861 and 1865, and abate and remove all such as are not proved to their Satisfaction to be privileged. 15

Certificate as
to privileged
Engines.

41. Where a Claim is made by any Person on behalf of a fixed Engine that it is privileged, the Commissioners shall, on Proof being given to their Satisfaction that such Engine is privileged, certify to that Effect, stating in the Certificate the Situation, Size, and Description of the Engine. A Certificate given in pursuance of 20 this Section shall be deemed to be an Order of the Commissioners, and to be subject to Appeal as such. If unappealed from, or as confirmed or amended on Appeal, such Certificate shall be conclusive Evidence that the Engine is a privileged Engine within the Meaning of the Salmon Fishery Acts, 1861 and 1865, but the Certi- 25 ficate shall not render any Engine legal that would be otherwise illegal by reason of its being injurious to Navigation.

Commission-
ers to inquire
as to Fishing
Weirs.

42. Subject to such Appeal as is herein-after mentioned, the Commissioners shall inquire into the Legality of all Fishing Weirs and Fishing Mill Dams throughout the Limits of the Salmon 30 Fishery Acts, 1861 and 1865, and shall remove such Fishing Weirs, and cause to be rendered incapable of catching Fish such Fishing Mill Dams as are in contravention of the Salmon Fishery Act, 1861; provided that where a Fishing Weir is illegal only by reason of its not having a Free Gap, as required by Law, or a Fishing Mill Dam 35 is illegal only by reason of its not having a Fishing Pass attached thereto, as required by Law, this Section shall not empower the Commissioners to remove such Fishing Weir, if an Undertaking be entered into, to the Satisfaction of the Commissioners, by the Owner or other Person interested in such Weir, to make a legal Free Gap 40 therein within a reasonable Time to be prescribed by the Commissioners, and a Free Gap is made accordingly, or to cause to be rendered incapable of catching Fish such Fishing Mill Dam, if a like

like Undertaking be entered into to attach a Fish Pass thereto, as required by Law, within a reasonable Time to be prescribed by the Commissioners, and such Fish Pass be attached accordingly.

43. The Commissioners shall advertise in some daily Morning
5 London Newspaper, and in some Newspaper circulating in the Dis-
trict in which any Salmon River or Part of a River is situate, Notice
of the Place where and Time when they will be prepared to hold
a Court for determining the Legality of all Fishing Weirs, Fishing
Milldams, and fixed Engines on that River or Part of a River.
10 The Advertisement in the said Newspapers shall be inserted at least
Twenty-eight Days before the Time at which any Court mentioned
therein is appointed to be held. The Commissioners may alter any
Place or Time mentioned in such Advertisements, on giving Notice
of such Alteration in such Manner as the Commissioners may think
15 best calculated to insure to the Parties interested Knowledge of
such Alteration. The above-mentioned Advertisement shall be in
the Form marked A. in the Second Schedule hereto, or as near
thereto as Circumstances admit. In addition to the foregoing
Advertisements the Commissioners, at least Fourteen clear Days
20 before entering upon an Inquiry as to the Legality of any Fishing
Weir, Fishing Milldam, or fixed Engine, shall serve a Notice on
the Owner or One of the Owners of such Fishing Weir, Fishing
Milldam, or fixed Engine, to appear before them at a Place and
Time mentioned in such Notice.
25 Service of a Notice under this Section may be made either by
delivering the Notice personally to such Owner, or leaving it at or
sending it by Post in a registered Letter to his last known Place of
Abode, or, if the Owner cannot be ascertained after due Inquiry,
by posting a Copy of the Notice on the Fishing Weir, Fishing
30 Milldam, or fixed Engine that forms the Subject of the Inquiry.
The Notice shall be in the Form marked B. in the Second
Schedule hereto, or as near thereto as Circumstances admit, and
may be addressed as appears in the said Schedule, and need not
contain the Name of any Person.
35 For the Purposes of this Section any Person for the Time being
receiving the Profits or a Share of the Profits of the Salmon
caught by such Fishing Weir, Fishing Milldam, or fixed Engine
shall be deemed to be the Owner, but in addition to any Owner
the Commissioners shall hear any Person appearing before them,
40 whether legally interested or not, in a Fishing Weir, Fishing
Milldam, or fixed Engine.

Any Person obstructing or refusing Access to any Officer of the
Commissioners who may be desirous of posting any Notice in pur-
suance of this Section on a Fishing Weir, Fishing Milldam, or
45 fixed Engine shall be liable to a Penalty not exceeding Five Pounds

for each Offence, and any Person defacing, destroying, or removing any such Notice shall be liable to a Penalty not exceeding Forty Shillings; and a Notice shall be deemed to have been duly posted where the non-posting thereof has been occasioned by some Person obstructing or refusing Access to the Officer about to post the same. 5

The Production of a Copy of a Newspaper containing any Advertisement required by this Act shall, for the Purposes of this Act, be Evidence of such Advertisement having been given at the Time at which the Newspaper bears Date.

Hearing as
to Legality
of fixed
Engines.

44. On the Appearance of the Owner or other Persons for 10
or against any Fishing Weir, Fishing Milldam, or fixed Engine,
and after hearing what, if anything, is alleged by him or them, or
on his or their Behalf, or in the Absence of any such Persons, if
they or any of them do not appear, and the Commissioners are
satisfied by Evidence on Oath that the Notices required by the 15
Act have been given, the Commissioners shall decide as to the
Legality or Illegality of the Fishing Weir, Fishing Milldam, or
fixed Engine, and in the event of their Decision being in favour
of its Illegality they may, by Warrant under their Hands, order
the Owner to remove a Fishing Weir, or render incapable of catch- 20
ing Fish a Fishing Milldam, where the Law requires such Fishing
Weir or fixed Engine to be removed, or such Fishing Milldam to
be rendered incapable of catching Fish, to the Satisfaction of the
Commissioners, within a reasonable Time to be prescribed in the
Order, not being less than One Month; and in case the Owner fails 25
to comply with the Directions of the Order, then the Commissioners
may, by Warrant under their Hands, authorize any Constable or
other Person, at the Expense of the Owner, to carry their Order
into effect. The Commissioners may sell any fixed Engine, or any
Materials belonging to any Fishing Weir or Fishing Milldam, that 30
are removed in pursuance of this Act, and apply the Proceeds of the
Sale in defraying any Costs, Charges, and Expenses incident to
carrying their Order into effect in reference to such Fishing Weir,
Fishing Milldam, or fixed Engine, and shall render the Surplus, if
any, to the Persons they may deem entitled thereto. 35

Provided that if it is proved to the Satisfaction of the Commis-
sioners that any Posts or other Materials belonging to an illegal
Fishing Weir or fixed Engine ordered to be removed may be
capable of being used by any Person as Evidence of Title to any
Foreshore or other Land, the Commissioners shall, instead of 40
ordering the entire Removal of such Posts or Materials, require
the Fishing Weir or fixed Engine to be destroyed so far only as
they may in their Discretion think necessary, in order to prevent
its being used for Fishing Purposes.

45. If

45. If any Person feels aggrieved with any Decision of the Commissioners the Person aggrieved may appeal as follows; that is to say, Appeal from
Decision of
Special Com-
missioners.

- 5 1. The Appeal shall be to One of Her Majesty's Superior Courts of Law at Westminster.
2. The Appeal shall be by Special Case stating the Facts and the Grounds for the Decision.
- 10 3. The Special Case shall be settled by the Commissioners upon the Application of the Appellant to be made in Writing within Fourteen Days after the Delivery of the Decision, and not afterwards; and if the Appellant be dissatisfied with the special Case as settled by the Commissioners, he may have the same settled by a Judge of One of the said Superior Courts, on Summons, at Chambers.
- 15 4. Before the Delivery of the Case to the Appellant, he shall enter into a Recognizance before the said Commissioners or a Justice of the Peace, with or without Sureties, and in such Sum as the Commissioners or the Justice think fit, conditioned to prosecute without Delay the Appeal, and to submit to the Judgment of the Appellate Court, and to pay such Costs as may be awarded.
- 20 5. The Special Case shall be signed by the Commissioners, and shall be delivered to the Appellant by the Commissioners.
- 25 6. On the Receipt of the Special Case the Appellant shall within Fourteen Days transmit by Post or otherwise the original Case to the proper Officer of the Appellate Court.
- 30 7. When a Party gives in good Faith Notice of an Appeal under this Section, but omits through Mistake to do some Act necessary to perfect the Appeal, the Appellate Court may permit an Amendment on such Terms as it thinks just.
- 35 8. After the Decision of the Appellate Court has been given on a Case stated as aforesaid, the Commissioners shall have the same Powers to enforce that Decision, when affirmed or amended, as they would have had to have enforced their original Decision if it had not been appealed from.
- 40 9. Save as herein-before varied, the Provisions of the Summary Jurisdiction Act of the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Forty-three, as to the Powers of the Superior Court, as to directing a Special Case to be stated, as to the enforcing of Recognizances, and as to all other Matters, shall apply to an Appeal under this Section in the same Manner as if the Words "Justice or Justices" in the said Summary Jurisdiction Act included "the Special Commissioners appointed under this Act.
- 45

10. Any Act required by this Section to be done by the Commissioners may be done by Two of them, of whom the Barrister herein-after mentioned shall be One.

Appoint-
ment of
Commission-
ers under
SignManual.

46. Her Majesty may, by Warrant under the Royal Sign Manual, appoint any Number of Persons not exceeding Three, of whom One shall be a Barrister of not less than Seven Years standing at the Bar, to be Commissioners under this Act during Her Majesty's Pleasure, and upon every Vacancy in the Office of any Commissioner by Death, Resignation, or Incapacity to act may appoint some other fit Person to fill the Vacancy: Provided always, that in the Case of a Vacancy by the Death, Resignation, or Incapacity of the Commissioner required by this Act to be a Barrister, another Barrister qualified as aforesaid be appointed in his Place.

Commission-
ers to have
a Common
Seal.

47. The Commissioners appointed under this Act shall be styled "The Special Commissioners for English Fisheries;" they shall cause to be made for their Commission such Seal or Seals as they may require; and any Summons, Order, Warrant, or other Instrument, or Copy thereof, purporting to be sealed with the Seal of the Commissioners, and to be signed as herein-after mentioned, shall be received in Evidence without any further Proof.

Commission-
ers not to sit
in Parlia-
ment.

48. No Commissioner shall during his Continuance in Office be capable of being elected or of sitting as a Member of the House of Commons.

Acts of the
Commis-
sioners.

49. All Warrants for the Removal of any Fishing Weir or fixed Engine, or for the Alteration of any Fishing Milldam, shall be signed by Two at least of the Commissioners, and all Cases relating to the Removal of such Fishing Weir or fixed Engine, or Alteration of any Fishing Milldam, shall be heard by all the Commissioners, but the Opinions of Two of them, of whom the said Barrister shall be One, shall, in case of Difference, decide any Question; any other Acts, except as aforesaid, authorized to be done by the Commissioners may be done by any One of them, and any Notice or other Instrument under the Seal of the Commissioners, and signed by any Person delegated by them, shall be deemed to be sufficiently executed.

The Trea-
sury to fix
Salaries, &c.
and appoint
additional
Officers.

50. The Commissioners of Her Majesty's Treasury may from Time to Time fix such Salaries as they may think fit for the Commissioners hereby appointed, and also appoint such additional Officers, Clerks, and Servants, at such Salaries as the said Commissioners of the Treasury may think proper and necessary, and from Time to Time

Time dismiss such Officers, Clerks, and Servants, and appoint others in their Place.

51. The Offices of the said Commissioners, and all Powers, Rights, and Privileges pertaining thereto, shall continue in force for Two Years, and from thenceforth until the End of the next Session of Parliament.

Duration of Office of Commissioners.

52. The Commissioners may examine any Witnesses on Oath, and with respect to enforcing the Attendance of Witnesses, and the Production of Deeds, Books, Papers, and Documents, shall have the same Powers as the Judges of One of Her Majesty's Superior Courts of Westminster have for such or the like Purposes; moreover it shall be lawful for the Commissioners to order any Person to be removed from their Court who may interrupt the Business of the Court, or refuse to obey their lawful Orders in respect of the same; and it shall be the Duty of the Chief Constable, Commissioner, or Chief Officer of Police of the County, City, Borough, or Place in which the Court is held to take care that an Officer of Police do attend that Court during its Sitting, for the Purpose of keeping Order therein, and to carry into effect any such Order of the Commissioners as aforesaid.

Powers of Commissioners.

53. Copies of Orders of the Commissioners made in pursuance of this Act, with the accompanying Plans and Maps, if any, shall be deposited with the Clerk of the Peace of the County where any Engine or any Subject Matter to which such Order relates is situate; and any Copy of such Order, Plan, or Map purporting to be stamped with the Seal of the Commissioners shall be admissible in Evidence, and any Copy of any Certificate, or Order of the said Secretary of State in pursuance of the Salmon Fisheries Acts, 1861-1865, or either of them, purporting to be stamped with the Official Stamp of the Office of the said Secretary, and to be signed by any Person by Order of the said Secretary of State, shall also be admissible in Evidence.

Copies of Orders of Commissioners.

54. Every Person who upon Examination before the Commissioners, or any One of them, wilfully gives false Evidence, and every Person who wilfully swears, affirms, or declares falsely in any Affidavit relating to any Matter within the Cognizance of the Commissioners, shall be liable to the Pains and Penalties of Perjury.

Penalty for false swearing.

55. Proceedings before the Commissioners shall not abate or be suspended by any Death or Transmission or Change of Interest; but

Proceedings not to abate by Death, &c.

in any such Case of Death or Transmission or Change of Interest it shall be lawful for the Commissioners, when they see fit, to require Notices to be given to Persons becoming interested, or to make any Orders for continuing, suspending, or carrying on the Proceedings, or otherwise in relation thereto, which to the Commissioners appears 5 just.

Miscellaneous.

Power in certain Cases to award Imprisonment with Hard Labour instead of Penalty.

56. Where any Person has been convicted Twice of an Offence under any of the following Sections of the Salmon Fishery Act, 1861, that is to say, Sections Eight, Nine, Fourteen, Seventeen, and 10 Nineteen, he may, on being convicted a Third Time of an Offence against any of the said Sections, instead of being fined in a pecuniary Penalty, be sentenced to Imprisonment with or without Hard Labour for any Period not exceeding Six Months, and, if a Licensee, he shall on being convicted a Second Time of an Offence 15 against the Salmon Fishery Acts, 1861, 1865, forfeit his License.

Minimum Penalties.

57. The Penalty in respect of any Offence under the Salmon Fishery Acts, 1861–1865, shall on a Conviction for a Second Offence, be not less than One Half the greatest Penalty capable of being imposed in respect of such Offence; and on a Conviction for a 20 Third or any subsequent Offence the greatest Amount of Penalty mentioned in the said Acts shall be imposed; but nothing herein contained shall affect the Provisions of the Salmon Fishery Act, 1865, in respect of the Discretion of imposing the Punishment of Hard Labour as therein mentioned. 25

Forfeiture of Nets, &c.

58. Where any Person has been convicted of an Offence under Section Seventeen of the Salmon Fishery Act, 1861, he shall, in addition to the Penalties thereby incurred, forfeit any Net or moveable Instrument used in committing such Offence, and the convicting Justices shall direct the same to be sold or destroyed, 30 and the Proceeds of such Sale shall be paid to the Conservators of the District.

Limit of Time for Compensation for Fish Pass.

59. Whereas by the Twenty-third Section of the Salmon Fishery Act, 1861, any Person sustaining Loss by reason of a Person or Body of Persons affixing a Fish Pass to a Dam, in pursuance of 35 that Section, may recover Compensation for such Injury in a summary Manner, from the Person or Body of Persons by whom such Fish Pass has been affixed: Be it enacted, That no such Compensation shall be recovered unless Proceedings for the Recovery of the same are instituted within Twelve Months after 40 the Time at which the Fish Pass was first affixed to the Dam.

60. Where

60. Where any Person, under the Salmon Fishery Act, 1861, is exempted from a Penalty in respect of using or having in his Possession Salmon Roe, on the Ground that he uses or has it in his Possession for artificial Propagation or other scientific Purposes, or is upon the same Ground exempt from a Penalty in respect of taking or having in his Possession unclean or unseasonable Salmon, or catching or attempting to catch Salmon when spawning or near their Spawning Beds, he shall not, if within a District where a Board of Conservators is established, be exempt in any of the above Cases from such Penalty unless the Consent of the Board has been given in Writing to such Use or Possession of Salmon Roe, or to such taking Possession of unclean or unseasonable Salmon.

Consent of Conservators necessary for artificial Propagation of Salmon.

61. No Justice of the Peace shall be disqualified from hearing any Case arising under the Salmon Fishery Acts, 1861, 1865, or either of them, by reason of his being a Conservator or a Member of a Board of Conservators, or a Subscriber to any Society for the Protection of Salmon or Trout.

As to Disqualification of Justices.

62. Where any Penalty is recovered on the Complaint of a Board of Conservators or of any Officer of or Person authorized by a Board of Conservators, the Court shall, unless for special Reason they think it inexpedient so to do, direct the whole of the Penalty, and the Proceeds of any Forfeiture to be paid to the said Board, to be applied by them for the Purposes of the Salmon Fishery Acts, 1861, 1865.

Payment of Penalties to Conservators in certain Cases.

63. The River Esk, together with its Banks and Tributary Streams up to their Source, shall be deemed to be within the Limits of the Salmon Fishery Acts, 1861 and 1865: Provided that all Offences against the said Acts committed within Scotch Jurisdiction shall be prosecuted and punished in manner directed by the "Salmon Fisheries (Scotland) Act, 1862."

River Esk within Limits of Act.

64. The Sections of the Salmon Fishery Act, 1861, that apply to fishing with Lights, Spears, and other prohibited Instruments, and to using Roe as a Bait, and which are numbered respectively Eight and Nine, shall apply to Trout in a Salmon River situate in a Fishery District which is subject to a Board of Conservators appointed under this Act; and in any such River no Person shall fish for, catch or attempt to catch, or kill any Trout between the Second Day of November and the First Day of February following, both inclusive; and any Person fishing for, catching or attempting to catch, or kill any Trout in any such River as aforesaid

Partial Application of Salmon Acts to Trout in Salmon Rivers.

during such Interval as aforesaid shall forfeit any Trout caught by him, and shall, in addition thereto, be liable to a Penalty not exceeding Two Pounds for each Offence: Provided always, that nothing herein contained shall apply to any Person having in his Possession Trout or Trout Roe for the Purpose of artificial Propagation or other Purpose, if such Person has the Permission in Writing of the Board of the District in which the River runs from whence such Trout or Trout Roe has been taken to catch such Trout and to have in his Possession such Trout or Trout Roe for the Purposes aforesaid.

10

Provisions
as to Exportation of
Salmon.

65. All Salmon intended for Exportation shall be entered for that Purpose with the proper Officer of Customs, at the Port or Place of intended Exportation, before Shipment thereof; and any Salmon shipped or exported, or brought to any Wharf, Quay, or other Place for Exportation, between the Third Day of September 15 and the Second Day of February following, contrary to this Section, shall be forfeited, and the Person shipping or exporting, or bringing the same for Exportation, shall be liable to a Penalty not exceeding Two Pounds for every Salmon so shipped or exported, or brought for Exportation; and any Officer of the Customs may, between the 20 Third Day of September and the Second Day of February, open any Parcel entered or intended for Exportation, or brought to any Quay, Wharf, or other Place for that Purpose, and suspected by him to contain Salmon, and may detain any Salmon found in such Parcel until Proof is given, in manner provided by Law, of the 25 Salmon being such as may be legally exported; and if the Salmon, before such Proof is given, become unfit for Human Food, the Officer of Customs may destroy the same.

FIRST SCHEDULE.

LICENSE DUTIES.

						Maximum.		
						£	s.	d.
5	Draft or Hang Nets	-	-	-	each	5	0	0
	Coracle Nets	-	-	-	„	2	0	0
	Box, Crib, or Cruive	-	-	-	„	10	0	0
	Putts	-	-	-	„	0	2	6
	Putchers, under 50	-	-	-	-	1	0	0
10	For every additional 50 or Part thereof	-	-	-	-	1	0	0
	For Outriggers or Leaders to Putts or Putchers of 100	-	-	-	-	-	-	-
	Yards in Length, or under	-	-	-	-	1	0	0
	For any Outriggers or Leaders of greater Length	-	-	-	-	5	0	0
	For V-Weirs, or Gog-heads or Baulks, each	-	-	-	-	10	0	0
15	Otter, Lath, or Jack	-	-	-	each	3	0	0
	Cross Line	-	-	-	„	2	0	0

For any Instrument not named in this Schedule, and not being a Rod and Line, such Sum as may be determined by the Conservators with the Approval of the Secretary of State.

SECOND SCHEDULE.

FORM A.

ADVERTISEMENT.—SALMON FISHERY ACTS, 1861, 1865.

Notice is hereby given, That the Special Commissioners for English Fisheries will hold a Court

25 and at such Court will proceed to inquire into the Legality of all Fishing Weirs, Fishing Milldams, and fixed Engines, situate on the
and all Persons interested in such Engines are required to attend at such Court from Day to Day until discharged, in order that a Decision may be made by the said Commissioners
30 with respect to the Removal of such Fishing Weirs or fixed Engines, or the Alteration of such Fishing Milldams, or that such other Order may be made by them in the Premises as the Facts of each Case appear to warrant.

FORM B.

NOTICE.

35 To the Owner of the
Persons interested therein.
Take notice, you are required to appear before us, the Special Commissioners for English Fisheries,

40 and thenceforward from Day to Day until discharged, in
order

order that there may be then and there an Inquiry by us touching the Legality of
 and that a Decision may be made by
 us with respect to their Removal, or that such other Order may be made
 by us in the Premises as the Facts of the Case may appear to us to warrant.

Given under our Hands and under the Common Seal of the said 5
 Commissioners this Day of 186 .

Salmon Fishery Act (1861) Amendment.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE
 AND ON RE-COMMITMENT]

To amend "The Salmon Fishery Act,
 1861."

(Prepared and brought in by
Mr. Baring and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
16 June 1865.

[Bill 220.]

Under 3 oz.



A

B I L L

FOR

Facilitating the more useful Application of Town
Sewage in Great Britain and Ireland.

5 **W**HEREAS it is expedient to remove Difficulties under Preamble.
which Local Boards and other Bodies having the Care
of Sewers in Towns and populous Places labour in
disposing of the Sewage of their Districts so as not to be a
Nuisance, and to give Facility to such Authorities to make Ar-
rangements for the Application of such Sewage to Land for agri-
cultural Purposes: Be it therefore enacted by the Queen's most
Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present
10 Parliament assembled, and by the Authority of the same :

1. That from and after the *First Day of January One thousand* Commence-
eight hundred and sixty-six there shall be in force in England ment.
and Wales (except any Part of the Metropolis as defined by the
Act of the Session Eighteenth and Nineteenth Years of the present Territorial
15 Reign, Chapter One hundred and twenty, for better Local Manage- Extent.
ment of the Metropolis), and also in Scotland and Ireland, the
Provisions on the above Behalf contained in this Act (which Short Title.
Act for all Purposes may be cited as the Sewage Utilization Act,
1865).

[Bill 4.]

A.

And

Interpreta
tion.

2. And in such Provisions the following Words are to receive the Meanings herewith ascribed to them, unless the Subject or Context show the contrary :

"Local
Sewer Au-
thority."

"Local Sewer Authority" includes all Municipal Corporations, Improvement Commissioners, Sewer Commissioners, Trustees, 5 Local Boards of Health, Local Government Boards, or others, however designated, having Charge of the Sewerage of Towns or populous Places under any Public or Local Act of Parliament :

"Sewage."

"Sewage" means the Contents of the Common Sewers of any 10 such Authority :

"Common
Distribution
Works."

"Works of Sewer Distribution" or "Common Distribution Works" include Courses, Pipes, Reservoirs, Tanks, Filters, Laystalls, Sluices, Buildings, Engines, and other Works and Conveniences for bringing Sewage, Nightsoil, and the like 15 Refuse into a State and to a Place fit and convenient for its being taken or applied, whether in a liquid or solid Form, to Land :

"Owner and
Lessee."

"Owner and Lessee" have the same Meaning as they have in "The Lands Clauses Consolidation Act, 1845," and include 20 reputed "Owner and Lessee :

"Land."

"Land" extends to Arable, Pasture, or otherwise profitable, as well as to waste uncultivated Land :

"Land-
holders."

"Landholders" means Persons entitled in possession for their own Right, at Law or in Equity, to Lands (whether subject 25 or not to Incumbrances), if Freehold or Copyhold of Inheritance, for an Estate for their own Lives; or the Lives or Life of any other Person or Persons, or for any greater Estate; and if renewable or long Leasehold Land (that is, held for Lives or Years renewable in succession, or renewable for a Term of 30 not less than Sixty Years, or held for a Term of Years of which not less than Sixty are unexpired), for an Estate equivalent or analogous to a Life Estate or greater Estate ;

And Persons absolutely entitled in possession, at Law or in Equity, for their own Benefit, to a Lease of Land of which not 35 less than Fourteen Years are unexpired (whether such Land is or is not subject to Incumbrances) ; provided that the Rent reserved on the Lease do not exceed One Third Part of the full annual Value of the Land thereby demised :

Any Body Corporate, Corporation Sole, Feoffees or Trustees for 40 Charities, and Commissioners or Trustees for Ecclesiastical, Collegiate, or other public Purposes, entitled at Law or in Equity, in the Case of Freehold or Copyhold Estates, in Fee, and in the Case of Leasehold Estates to a Lease for an unexpired Term of not less than Sixty Years :

45

And

And in the Case where the Person entitled as above defined is a Minor or of unsound Mind, or a married Woman (not being a married Woman entitled for her separate Use, and not restrained from Anticipation), or Alien, the Guardian, Committee, or Husband, or Trustee, as the Case may be, in right of such Person, shall be deemed the Landholder :

"Secretary of State" means One of Her Majesty's Principal Secretaries of State : " Secretary of State."

"Treasury" means the Lord High Treasurer or Lords Commissioners of Her Majesty's Treasury : " Treasury."

The "Crown Land Revenue Commissioners" means the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues : " Crown Land Revenue."

The "Admiralty" means the Lord High Admiral or Commissioners for the Time being for executing the Office of Lord High Admiral. " Admiralty."

PART I.

Property in Sewage.

3. The following Articles are hereby declared to be the Property of the Local Sewer Authority in their District : Property in Sewage.

The Contents of the Sewers of the Local Sewer Authority :

All Nightsoil and the like Refuse collected from House to House in the District where the Local Sewer Authority has a Contract or Service to collect the same ; also Manure Litter, or Refuse removed from Stables and Cowhouses, and the like Places within their District, the Occupiers of which may signify their Consent in Writing to such Removal (which Consent, when given, shall not be withdrawn or revoked without *One Month's* previous Notice to the Local Sewer Authority).

4. If any Person, other than the Persons employed by or contracting with the Local Sewer Authority, or those authorized by or acting under such Persons, shall divert, remove, appropriate, or take away Sewage from any Sewer of such Authority, or collect and carry away Nightsoil or the like Refuse from any House or Premises in the District where the Authority has a Contract or Service for such Collection, the Person so offending shall, on Conviction, forfeit to the Local Sewer Authority a Sum not exceeding *Five Pounds*, to be recovered in a summary Manner, as herein provided.

Penalty on Persons wrongfully diverting Sewage.

Exceptions.

5. Provided always, That nothing herein contained shall be deemed to apply to the Cases following :

Any Company or Person carrying on any Trade, Business, or Manufacture, removing or contracting with any Person for the Removal of Nightsoil and the like Refuse from the 5 Stations, Factories, Works, and Buildings of such Company or Persons, or any Dwellings in connexion therewith, or Sewers or Drain therefrom ; any Occupier removing Nightsoil or the like Refuse from any Messuage or Building or Premises, in order to apply the same to Land in his own Occupation, or 10 using the same on Land, provided that no Nuisance be occasioned by such Removal.

Power for
Occupiers
of Land to
turn thereon
Sewage
running to
Waste.

6. Provided also, That in Cases where the Contents of a Common Sewer carried through or adjacent to any Lands are running to waste, it shall be lawful for any Occupier of any Land adjoining or 15 near the Sewer or any Part thereof to use the Sewage from the Sewer for manuring and improving his Land, and for such Purpose to divert the Sewage into any Drain Pipe or Course accordingly, under the Regulations following :

No such Diversion shall be made without *Six Days* Notice of the 20 Intention to make such Diversion or Use, be given by the Occupier to the Local Sewer Authority :

No permanent Injury to be caused to the Sewer by such Diversion, and any temporary Injury thereto to be made good :

All such Diversions or Use of the Sewage for the manuring or 25 Improvement of Land shall be subject to the Control and Superintendence of the Local Sewer Authority, and to any Order or Direction made or given by them with reference thereto :

If it appear to the Local Sewer Authority at the Time of such 30 Notice, or at any Time afterwards, that the Diversion and Use of Sewage is or would be prejudicial to the Sewering of the District or any Place therein, or work a Nuisance or Injury to any Person, the Local Sewer Authority, by Notice, may require such Occupier to abstain from diverting or using or 35 continuing to divert or use the Sewage, or make such Order thereon as they may think proper :

And whenever the Local Sewer Authority can make Arrangements to apply the Sewage to profitable Use, such Occupiers Privilege of Diversion shall cease.

40

PART II.

Extension of Powers for Sewage Application by Sewer Authority.

7. For the Purpose of disposing of Sewage, and of reclaiming, cultivating, or otherwise improving Land by the Application of Additional Powers.

5 Sewage thereto, the Local Sewer Authority shall, in addition to the Powers vested in them under the Public or Local Acts whereby they are constituted, have and exercise the Powers and Authorities given by this Act.

8. The Local Sewer Authority may acquire Waste Lands, Sand-
10 banks, Mudlands, or Mudbanks alongside any River or Stream, or the Seashore below High-water Mark at ordinary Spring Tides, or any Lands which, in the Opinion of the Surveyor of the Local Sewer Authority, are necessary for the Distribution of the Sewage of the District, and Land for the Purpose of making Works for
15 Sewage Application, or for Roads or Ways to or in connexion with such Works, or for Spoilbanks or Places of Deposit of surplus or other Materials in the Execution of any such Works.

For the acquiring of such Lands, the Powers of the Lands Lands
Clauses Consolidation Act, 1845, shall apply : Clauses Act, 1845, incorporated.

20 In the Construction of that Act, this Act and the Act confirming the Provisional Order for taking the Land (if any), shall be deemed the "Special Act," the Local Sewer Authority shall be deemed to be "Promoters" of the Undertaking, and the Word "Lands" shall include any Easement in or out of Lands.

25 But there shall not be incorporated with this Act the Sections and Provisions of "The Lands Clauses Consolidation Act, 1845," hereunder mentioned; that is to say, Section Sixteen (Capital to be subscribed before the compulsory Powers are to be put in force); Section Seventeen (Certificate of the Justices Evidence
30 that the Capital is subscribed); Sections Eighty-four to Ninety-one, both inclusive, (Provisions relating to the Entry upon Lands by the Promoters of the Undertaking); Section One hundred and Twenty-three (Limit of Time for the compulsory Purchase of Land); Sections One hundred and twelve and One hundred and
35 thirteen (Access to the Special Act). Except certain Sections.

9. Nevertheless, the Local Sewer Authority shall not put in force the incorporated Powers for the purchasing of Land otherwise than by Agreement until they have obtained a Provisional Order, confirmed by Parliament, as herein-after mentioned, previous to

[4.]

A 3

the Provisional Order require site before exercising compulsory Powers.

the Application for which Order such Authority must comply with the following Conditions :

The said Authority shall publish, once at least in each of Three consecutive Weeks in the Month of November in a Local Newspaper circulated in their District and in the Part thereof 5 where the Land proposed to be taken is situate, a Notice naming a Place where a Plan or Statement of the proposed Undertaking or Use of the Land may be seen at all reasonable Hours, and stating the Land, and the Quantity of Land which they require, and the Purpose thereof : 10

They shall further, in the Month of December, serve Notice, in manner herein-after mentioned, under the " Notices Clause," on every Owner or Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer stating whether the Person so served assents, 15 dissents, or is neuter in respect of taking such Land :

Petition to
Secretary of
State for
Order to
take Land.

Upon Compliance with the Conditions herein-before contained with respect to Advertisements and Notices, the said Authority may present a Petition under their Seal to the Secretary of State, containing a Statement of the Land intended to be taken, 20 the Purposes for which required, the Names of the Owners, Lessees, and Occupiers thereof, distinguishing those assenting or dissenting from those neuter towards or not answering the Application :

It shall pray that the said Authority may, with reference to such 25 Land, be allowed to put in force the Powers of the Lands Clauses Consolidation Act "with respect to the Purchase and " taking of Land otherwise than by Agreement," and such Prayer shall be supported by such Evidence as the Secretary of State requires. 30

Secretary of
State to
inquire, &c.

10. Upon Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, the Secretary of State shall take such Petition into consideration, and may either dismiss the same, or direct an Inquiry to be made in the District, after such Notice as he may prescribe, and otherwise 35 institute such Inquiry as to the Propriety of assenting to the Prayer of such Petition as he may think requisite.

Provisional
Order for
taking Land.

11. After the Completion of the Inquiry, the Secretary of State may, by a Provisional Order, empower the said Authority to put in force, in reference to the Land referred to in such Order, the 40 Powers of the Lands Clauses Consolidation Act "with respect to " the Purchase and taking of Land otherwise than by Agreement," either

either absolutely or with such Conditions and Modifications as he may think fit.

12. The said Authority shall serve a Copy of the Order so made upon the Persons and in the Manner upon whom and in which
 5 Notices in respect of taking such Land are herein-before required to be served.

Service of
Order.

13. The making of a Provisional Order shall be conclusive Evidence that all the Requirements of this Act in respect of the Proceedings preliminary to such making have been duly complied
 10 with.

When Order
made, Pre-
liminaries
deemed
correct.

14. The Secretary of State shall, as soon as conveniently may be, take all necessary Steps for the Confirmation by Parliament of the Provisional Order issued by him under this Act.

Parliamen-
tary Confir-
mation of
Provisional
Order.

And previous to such Confirmation the Provisional Order shall
 15 be of no Validity.

If a Petition be presented to either House of Parliament against a Provisional Order in the Progress through Parliament of the Bill for confirming the same, the Bill, so far as it relates to such Order, may be referred to a Select Committee, and the Petitioner
 20 shall be allowed to appear and oppose it as in the Case of Private Bills.

Every Act of Parliament confirming a Provisional Order shall be deemed a Public General Act.

15. The Expenses incurred by the Secretary of State in relation
 25 to any Provisional Order shall, to such an Extent as the Treasury thinks fit to direct, be repaid by the Local Sewer Authority to the Treasury, by annual Instalments not exceeding Five, together with Interest at *Five Pounds* per Centum per Annum, commencing from the Date of the Order, and payable on the Amount of the
 30 Principal from Time to Time unpaid.

Costs of
Provisional
Orders.

For defraying such Instalments and Interest, the Local Sewer Authority shall apply the Funds derived from their Districts, or such Parts and Places therein, as the Local Sewer Authority thinks just.

35 16. And with respect to Assurances of Land so acquired under this Act, the following Provisions for certain Cases shall apply :

Assurances.

The Grants or Assurances may be absolute, or conditional in consideration of any Payments or Compensation, annual or
 40 in gross :

Considera-
tion gross
or annual.

In the Case of Lands belonging to the Queen's Majesty in right of Her Crown, the Contract or Grant thereof may be entered
 [4.] A 4 into

Crown
Grants.

- 17 & 18 Vict.
c. 106. s. 15. into or made by the Crown Land Revenue Commissioner, and the Consent of the Treasury, in manner prescribed by the Act Seventeenth and Eighteenth Victoria, Chapter One hundred and six :
- Lancaster
Duchy Land. Unless the Lands be Parcel of the Duchy of Lancaster, and then 5 the Grant or Contract shall be by the Chancellor of the Duchy, by Writing under his Hand, attested by the Clerk of the Council of the Duchy :
- Cornwall
Duchy Land. Or that the Lands be Parcel of the Duchy of Cornwall, and then the Grant or Contract shall be by the Duke of Cornwall or 10 other the Persons for the Time being empowered to dispose for any Purpose of Lands of the Duchy of Cornwall :
- Restriction. But no Right or Claim to Land outside the Embankment to be made of any Land on the Seashore granted under this Act shall pass under any such Contract or Grant ; nevertheless it 15 shall not be lawful for any Person to dig away the adjoining Land so as to endanger any such Embankment when so made.
- Power to
make Ex-
changes to
complete
Boundary. **17.** For more conveniently forming the Boundary of Land so acquired from the Crown, or for extinguishing Rights or Claims therein or thereto, the Local Sewer Authority shall have 20 Power to make Grants or Exchanges of Lands to or with any Persons authorized to make Exchange under the Commons Inclosure Act ; and Lands given by the Local Sewer Authority in Exchange shall be upon the same Trusts as the Lands, in Exchange for which the same are given, were at the Time of Exchange, and upon 25 such Exchange the Lands so exchanged or granted shall vest in the other Party in Fee, although the Fee thereof may not then be in the Local Sewer Authority.
- Works upon
Foreshore
Land. **18.** In and upon the Lands Part of the Sea Shore acquired under this Act the Local Sewer Authority shall have Power to do any of 30 the following Acts :
To construct below High-water Mark, at or during Spring Tides, any Embankment or any other Work, but the same shall not be done without the previous Consent in Writing of the Crown Land Revenue Commissioners : 35
Such Embankments and other Works shall be constructed according to such Plans, on such Lines, and in such Manner as the Admiralty may approve of :
And when so constructed the Local Sewer Authority shall not alter or extend the same Embankment or Works, without 40 the like Consent of the Crown Land Revenue Commissioners, and like Approval of the Admiralty :
And if any Work be done or altered contrary to this Act, the Crown Land Revenue Commissioners and the Admiralty may remove
- Power to
restore.

remove the same, and restore the Site to the former Condition, at the Charges of the Local Sewer Authority by whom such new Work or Alteration was made, and from whom the Amount of the Cost of such Restoration shall be recoverable as a Debt due to the said Commissioners or Admiralty.

19. The Local Sewer Authority shall have Power to do, in or upon any River or Stream, Railway, Canal, Dock, or Harbour, the following Acts, under the Restrictions therewith mentioned :

Auxiliary Powers.

To dredge for or take away any Ballast, Mud, Sand, or other Substance; but the Consent of the Local Ballastage and Conservancy Authorities shall be previously obtained : and To deposit Ballast or Rubbish or Spoil on the Bank of a River or Stream.

With the Consent of the Proprietors, Trustees, or Undertakers to whom any Railway, River or Canal, Dock or Harbour belongs first obtained—

Power for Local Sewer Authorities and Railway and Canal Companies to contract for laying Pipes and for carrying Sewage.

To lay Mains, Pipes, or Channels along and under the Canal or Railway or across or above the same on the Banks or Borders of the Lines thereof, or of the River or Canal or the Towing-paths thereof, or of the Dock or Harbour to or from any Sewer or Works ;

And to form Common Distribution Works thereon ;

And to lay and place Branch or Service Pipes connected with such Pipes or Channels or Works, for the Distribution of Sewage to such Places as the Local Sewer Authority may require, and to take up, repair, renew, or relay such Main Pipes or Branches when required.

20. The Provisions of the Waterworks Clauses Act, 1847, with respect to the breaking up of Streets for the Purpose of laying Pipes, whether in the District or not, shall be incorporated with this Act ; by " the Company " therein mentioned being understood the Local Sewer Authority.

To lay Pipes, &c. in Streets.

21. The Local Sewer Authority may by themselves and their Agents enter on Lands for the Purpose of surveying the same Lands (such Lands being in or near their District), and (where necessary for carrying out a System or Plan of Sewage Distribution) for the Purpose of laying and conveying Pipes or Sewers or other common Distribution Works into, through, or under such Lands, or for repairing such Pipes and Sewers when there laid ; and they may work on and lay open such Lands : Provided that, except in Cases of Emergency, Two Days previous Notice in Writing be given to the Occupier of such Lands and Premises. If the Occupier should object in Writing to such Entry or Examination, or deny that there

Power of Entry on private Lands.

is any Necessity for the Pipes or Sewers passing through his Premises, Application shall be made to Two Justices of the Peace, at a Time to be mentioned in such Preliminary Notice or in any subsequent Notice given to the Occupier, for an Order to enter, examine, lay open, and construct or lay Pipes or Works on the Lands and Premises for the Purposes of this Act, which Order, if no sufficient Cause be shown against the same, the Justices shall make accordingly. The Examination, Entry, and Works under this Provision shall take place as far as may be in the Daytime.

Compensation.

22. In case the Lands, Waters, or Property of any Person be injuriously affected or damaged by the Construction or Maintenance of the Works or otherwise in the Execution of the Powers hereby conferred, full Compensation shall be made by the Local Sewer Authority to the Person injured; and the Amount of such Damage, in case of Dispute, shall be determined by Arbitration as herein-after mentioned.

Not for foul Water exhausted, &c.

But no Compensation shall be given for Water under this Act diverted, carried off, used, or exhausted by the Application of Sewage to the Land.

Sewage Application Works deemed of permanent Benefit, under Public Health Act, 1848, &c.

23. The Acquisition of Land, and Works of Local Sewer Authorities for the useful Application of Sewage, shall be deemed Works of permanent Benefit, within the Meaning of the Public Health Act, 1848, and Local Government Act, 1858, and any Local Act containing the like sanitary Regulations.

PART III.

25

Concession of Sewage to Landholders.

General Power for Sewer Authorities and Landholders to contract for Sewage Application.

24. The Local Sewer Authority of any Town or populous Place, and any Landholders in the Precincts thereof, may from Time to Time mutually agree as to what Works are to be made for the Purpose of applying the Sewage of the Town or populous Place to Land, and the Parties to execute the same and to bear the Costs thereof, and as to what Sum or Sums of Money, several or in gross, if any, are to be paid by the Landholders for the Supply of the same, and for what Time or Term, and on what Conditions the Supply is to continue; such Term not exceeding Ten Years for any One Contract; and they may at the Expiration of the Contract mutually agree as to the Renewal of such Contract, with or without Modification, subject to the like Limitation as to its Term of Duration; and they may also agree as to any new Works, or Improvements or Alterations of existing Works, and as to the Execution of such new or altered Works, and the Parties to execute or pay for the same.

25. The

25. The making of Works of Distribution and Service for the Supply of Sewage to particular Lands for agricultural Purposes shall be deemed a Matter within the Meaning of the "Improvements of Land" authorized by the Land Improvement Act, 1864, and the same, and all Things incident thereto, may be undertaken and executed under the Powers and Provisions of that Act accordingly.

Service for Sewage Distribution Works deemed, for Improvement of Land, under 27 & 28 Vict., c. 114.

26. When a Local Sewer Authority is desirous of turning the Sewage belonging to them to profitable Account, by applying the same to the Land in any of the Precincts of their District, they shall prepare a Scheme and Arrangement for that Purpose as follows:

Power for Local Sewer Authorities to convene Landholders to consider Scheme of Sewage Application. Notice of Meeting.

Notice, in a Form to be approved by the Secretary of State, shall be inserted by them once at least in each of Three successive Weeks in some local Newspaper, the Notice stating at what Time a written Statement of the Terms of the proposed Scheme and Arrangement will be deposited at the Office of the Local Sewer Authority for public Inspection, and also stating that at a Time and Place to be fixed the Surveyor or other Officer on behalf of the Local Sewer Authority will attend for the Purpose of explaining to the Landholders who may think fit to be present the Nature and Terms of the proposed Scheme and Arrangement:

At such Meeting the Landholders or their Agents in any Place or Places in the Precincts of the District of the Local Sewer Authority may be present.

27. The Landholders there assembled may enter into the Consideration of the Matter proposed with the Surveyor or Officer of the Local Sewer Authority, and proceed to settle the Terms thereof, and the Mode, if any, proposed for the Application or Distribution of the Contents of the Sewers upon the Land suitably situate to be benefited thereby, and they may form an Association, and appoint a Committee, not exceeding Five in Number, to settle such Terms and Mode.

Landholders may appoint Committee, &c. to treat.

28. When the Landholders in or near a Town or populous Place are desirous of obtaining from the Local Sewer Authority a Concession of the Sewage or any Part of the Sewage not under Grant or Concession or profitably applied, they may, by Arrangement amongst themselves, assemble together to take the Matter into consideration, and form an Association, and appoint a Committee, not exceeding Five of their Number, to propose a Scheme and make Application to the Local Sewer Authority for such Concession.

Power for Landholders to assemble, and prepare a Scheme to be proposed to the Local Authority.

Mode of
disposing of
competitive
Applications
of Land-
holders.

Reference.

The Asso-
ciation to
act by their
Committee.

Committee
to arrange
Terms with
Local Sewer
Authority.

Reference to
Arbitration.

29. In case of divers Applications for a Sewage Concession being made to the Local Sewer Authority by Landholders, which Applications the Authority deems competitive, the Authority, before accepting the Terms of either or any of the Applications, shall, at the Request of the Parties to the other Application or Applications, and 5 on being indemnified from all Costs in and about the Reference, refer to some competent Person the Question which of such Applications ought to be preferred, or whether the several Applications can be reconciled or combined, and how; or whether both or all the Applications should be declined; or such other Questions as the 10 Local Sewer Authority shall devise for better raising the Points in dispute between the competitive Landholders; and the Referee shall hear all Parties desirous of appearing and giving Evidence before him, and shall report to the Local Sewer Authority his Opinion on the Questions submitted to him. The Local Sewer Authority shall be 15 guided by such Opinion, unless for sufficient Reasons, to be publicly assigned by them, they dissent therefrom. Of such Report, and of their Acceptance and Rejection thereof, the Local Sewer Authority shall give Notice by Placard on the Door of their Office, and by leaving such Report and a Copy thereof at their Office for Ten Days, 20 during which Period the same shall be open, to be inspected and copied by any Landholder interested in the Matter.

30. When the Landholders Association is formed to obtain a Concession of Sewage, whether on their own Application or on the Invitation of the Local Sewer Authority, the Association shall 25 appoint a Provisional Committee to act for them.

31. The Committee so chosen may enter into an Agreement with the Local Sewer Authority for the Settlement of the Terms of the Concession, and the Arrangement for the Distribution, for and on behalf of themselves and of all other Landholders who may 30 become Participants in the Scheme, according to the Terms thereof; all which Parties shall be deemed to be represented and bound by the Agreement of the Committee with the Local Sewer Authority.

32. If the Landholders or the Committee of the Association cannot agree with the Officer of the Local Sewer Authority upon the 35 Settlement of the Terms of the proposed Scheme and Arrangement, then, at the Request of such Landholders or the Committee, the Question shall be referred to the Arbitration of Two Surveyors or Engineers, one to be appointed and paid by them, and the other to be appointed and paid by the Local Sewer Authority, or of an Umpire to 40 be chosen by such Surveyors, and to be paid by and between the Parties; and the Surveyors and Umpire shall proceed in and dispose of the Case as in other Cases of disputed Compensation under the Lands Clauses Consolidation Act, 1845.

33. When

33. When a Scheme of Distribution is formed, whether by the Local Sewer Authority or by the Landholders or the Committee, the same shall be accompanied with an Estimate to be made of the probable Expense of constructing the Works, (herein called Common Distribution Works) necessary to divert and carry the Sewage from the Sewers of the Local Authority to Places suitable, wherefrom or wherewith to connect or drive the Pipes or Channels for Service on the particular Lands, and such Estimate shall be made by or be submitted for the Revision or Approval of the Surveyor of the Local Sewer Authority.

Estimate of
Expense of
Distribution
Works.

34. The Local Sewer Authority may, by Agreement with the Landholders or the Committee, construct the Common Distribution Works, and Works of particular Service, the Charges whereof, or such Part of those Charges as the Local Sewer Authority shall not contribute thereto shall be borne by the Landholders, and be repaid, with Interest, according to the Terms of Subscription herein-after mentioned.

Power for
Local Sewer
Authority
to construct
Works for
Landholders

35. Where Works of Common Distribution or Works of Service are to be executed or paid for by Landholders, the Landholders shall either enter into a Subscription, and consent to raise among themselves, or, if necessary, borrow from any Person, and charge in proper Contributions on their respective Lands, the Amount of the Estimate of Works, to be paid by such specified Instalments, with Interest on the Monies from Time to Time unpaid, as may be agreed upon; or, after the Completion of the Service and Common Distribution Works chargeable on Land, the Landholders or the Committee shall ascertain the Expense thereof, and draw up an Award in Writing, apportioning the Contributions to be paid by the several Landholders subscribing, and shall submit the same, in the Case of an Association, to a General Meeting of such Landholders, to be summoned by the Committee, and such Meeting shall confirm the same with such Alterations as may be just and proper.

Agreement
to charge
Lands for
Common
Distribution
Works.

If the Costs of constructing the Service and Common Distribution Works so ascertained exceed the Sum estimated and agreed to be paid as aforesaid, the Excess shall be deemed an Augmentation of the original Subscription, and chargeable therewith accordingly.

Provision to
make good
Excess.

The Lands to be charged shall be sufficiently distinguished on some Map or otherwise.

36. The Apportionment shall operate to charge the Lands specified with the Charges apportioned for Expenses of Construction and Maintenance of Works.

Recovery of
Charges.

And the Instalments of the original Charge (including Interest), and the annual Maintenance Contribution, shall be recovered by the Persons entitled thereto by the same Means and with the like Powers and in like Priority as a Rentcharge in lieu of Tithes would be recoverable if charged on the same Lands under the Acts for the Commutation of Tithes in England, 5

37. With respect to the Management of the Concerns of the Landholders Association the following Provisions shall apply:

Landholders
to convene
Meeting for
Appointment of a
Committee
of Manage-
ment.

When any Local Sewer Authority and the Landholders Committee have settled the Terms of a Contract for the Application of Sewage, such Landholders shall, at a Meeting to be convened by the Committee, and of which Notice shall be given by Advertisement in a local Newspaper, and by Letter to the subscribing Landholders whose Addresses are known, appoint a Committee of Management to act on their Behalf. 10 15

Committee
to manage.
Officers.

The Committee shall have the Care and Control of the Common Distribution Works.

The Committee may appoint some Person to be their Bailiff, in whose Care, subject to the Byelaws and Orders of the Committee, the Works and Supply shall be placed. 20

The Committee shall be renewed annually at the Meeting of the Landholders.

Annual
Meeting to
raise Charges
for the Year
to ensue.

An annual Meeting of the Landholders shall be held at a Time and Place to be fixed by the Committee, and whereof they shall give Three Weeks Notice in a local Newspaper; and the Landholders present at such Meeting shall elect a Chairman, and then proceed to determine and fix the Sum of Money required to be raised during the ensuing Year for defraying any past Expenses unpaid, and the Expenses of maintaining the Common Distribution Works and Services required therefor. 25 30 30

Assessment.

And they shall assess (having regard to the Proportions of the Subscription) the Lands in the Area of Supply for the Satisfaction and Provision against such Expenses, and the Sums so assessed shall be charged on such Lands.

Voters at
Meetings.

At such Meetings the Landholders present shall on Questions there arising vote on the Scale (if any) fixed by a Byelaw of the Committee, in proportion to the original Contribution on their Lands for the Expenses of the Common Distribution Works. 35

Byelaws.

The Committee may make and from Time to Time revoke and alter Byelaws— 40

As to the Mode of contracting for and constructing Distribution Works:

As to the Management and Regulation of the Works of Sewage Supply, and Rates thereof:

As

As to Notice of Meetings of Landholders, and the Regulation of such Meetings :

As to the Meetings of the Committee :

As to supplying Vacancies in the Committee happening during the Year :

5

But such Byelaws must be confirmed by Resolution at an annual Meeting of the Landholders before the same are valid.

Such Byelaws, when confirmed, shall be entered in a Book kept for that Purpose by the Committee, signed by the Chairman of the Meeting at which the same are passed, and which Book, with a Copy of the Resolutions confirming the Byelaws, may be produced and read, and taken as Evidence of such Byelaws, in all Courts whatever.

10

The Committee shall appoint some convenient Place as Office.

15

their Office for the Purposes of this Act, and shall thereat keep any Documents by this Act required to be kept by them, and whereat all Notices to the Committee may be served by being delivered.

The Committee shall keep proper Books of Account.

20

The Committee may sue and be sued in the Name of their Chairman.

Account
Books.
Power to
sue.

All Expences incurred or sustained by the Committee or their Chairman shall be reimbursed to them by the Landholders, whose Contributions thereto shall be deemed an Augmentation of the Charges on their Land, and recoverable as before mentioned, with Interest until Payment.

25

PART IV.

Concession of Sewage to Contractors.

38. It shall be lawful for the Local Sewer Authority to contract with, appoint, or employ any Company or Persons, upon any Terms or Conditions, and for any Period not exceeding Ten Years, to collect, treat, lift, distribute, apply, sell, or otherwise dispose of and remove and carry off the Contents of their Sewers or Works, or any Nightsoil, and the like Refuse, at the Disposal of such Authority.

30

And such Local Authority may delegate to such Company or Persons, as Undertakers, the Power of acquiring Land, distributing Sewage, dealing with Landholders or other Persons on the above Behalf, which such Authority hath or might exercise itself, subject to the Observance of the like Conditions as would have bound such Local

35

Power to
enter into
Engage-
ments with
Sewage
Contractors.

Authority, and also to the several Conditions and Restrictions hereunder mentioned :

Before the Local Sewer Authority enter into any such Arrangements, Notice of their Intention to do so shall be published by Advertisement for Three Weeks successively, stating where the Particulars of the proposed Scheme may be inspected. 5

Provision
for Land-
holders to
Purchase
Works at
End of Term.

In any such Contract a Provision shall be made for any Landholders, with the Approbation of the Local Sewer Authority, to purchase at the End of the Term the Works and Plant and Apparatus of the Undertakers 10

The Terms of Purchase to be settled by Agreement, or in case of Dispute by Arbitration under the Lands Clauses Consolidation Act, 1845.

The Works and Things when purchased to be vested in Trustees for the Landholders; and the Landholders desirous of purchasing the Works may form an Association and appoint a Committee to treat with the Undertakers for that Purpose. 15

Revision of
Scale.

And where by the Terms of the Concession a Scale of Rates for Sewage Supply is fixed, the same shall be made, subject to Revision at Times and in Manner therein fixed. 20

Revision of
Sewage
Water Rates.
11 & 12 Vict.
c. 17. ss. 75
to 83.

The Undertakers so contracting shall be subject in reference to this Concern to the Provisions contained in the Waterworks Clauses Act, 1847, "with respect to the Amount of Profits to be received " by the Undertakers when the Waterworks are carried on for their " Benefit," in reference to Waterworks, with such Modifications and Charges as are necessary to adapt the same to the Change of Subject. 25

Landholders
may deal
with Com-
pany con-
tracting.

39. For the Purpose of treating and dealing with such Undertakers, Landholders or the Association and Committee may exercise the like Privileges, with and under the like Charges and Liabilities, as in the Case of their dealing with the Local Sewer Authority for Sewage Supply, and Works for the Distribution or Service thereof. 30

PART V.

Inspection of Works.

35

Power for
Local Au-
thority to

40. Upon Notice from the Landholders or the Committee or the Undertakers, the Local Sewer Authority shall, and at any other Time, at their Discretion, they may, cause the Sewers and Common and

and Particular Works of Distribution to be inspected by their Surveyor or Agent, in order to ascertain the Condition thereof, and for this Purpose such Officer shall have Power of Entry and of opening Ground in the Lands through or in which the same pass
 5 or lie.

inspect
Works of
Distribution.

If upon any such Inspection any Defect or Want of Reparation be found, the same, after reasonable Notice, shall be made good to the Party in the Terms of the Concession liable to maintain the Works so defective: Provided always, that if by reason of such
 10 Defect in any Sewer or Channel maintainable by the Local Sewer Authority the Supply of Sewage according to the Terms of the Concession shall be impeded or cut off, and if the Local Sewer Authority, after having Notice or Knowledge thereof for Three
 15 Days, make default in making good the same, the Landholders or the Committee or Undertakers may do all needful Repairs for restoring such Channel or Works to a proper State. And the Landholders or Committee or Undertakers may from Time to Time deduct from the Sums which would otherwise be payable to the Local Sewer Authority such Money expended in such Repairs.
 20 And in case there shall be no such Resources for Repayment, and the Local Sewer Authority shall make default in paying the Amount of such Expenses, on Demand, the Landholders or Committee or Undertakers may recover such Expenses from the Local Sewer Authority as a Debt.

Making good
Defects.

Suspension
of Payments
on Failure of
Sewage
Supply.

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PART VI.

*Notices.**Notices*

41. With respect to Notices to be given or received by the Local Sewer Authority, the following Provisions are to apply :

Where any Notice is required to be given by the said Authority,
 30 such Notice shall in all Cases be sufficiently authenticated if signed by the Clerk, and shall be receivable in Evidence before all legal Tribunals and in all legal Proceedings without any other Proof:

Authcrita-
tive.

35 All Notices required to be served by the said Authority upon any Proprietor or Owner or Lessee may be served by Delivery of the Notice personally on such Parties, or by leaving the same at their usual or last Place of Abode, if such can be found. And in case any such Parties are absent from the United Kingdom, or cannot be found after diligent Inquiry,
 40 such Service shall be made on their known Agents (if any), or by forwarding the Notice by Post in a registered Letter
 [4.] C addressed

Notice to
Owners to
be served on
them, or on
their Agents
in their
Absence
abroad.

addressed to the usual or last known Place of Abode of such Party or his known Agent, or failing the above Means such Notice for the Owner or Proprietor or Lessee shall be served on the Occupier, as herein-after mentioned :

Notice to
Corporations
to be left at
their prin-
cipal Office.

If any Proprietor or Owner or Lessee on whom Notice is to be served is a Corporation Aggregate, such Notice shall be left at the principal Office of Business of such Corporation, or if no such Office can after diligent Inquiry be found, shall be served on some principal Member, if any, of such Corporation, and such Notice shall also be left with the Occupier of 10 the Lands or Premises :

All Notices required to be served by the said Authority upon the Occupier of any Premises shall either be served by Delivery or in Manner before described in the Case of Owners :

If there be no known Occupier, Service of the Notice shall be made by affixing it on some conspicuous Part of the Premises : 15

Notices served by being affixed as aforesaid may be addressed generally to the Owners or Occupiers, without naming them or either of them :

Notices to
be binding
on Assigns
or Lessee.

All Notices served by the said Authority on any Proprietor or Owner or Lessee shall, if due Service thereof has been made, be binding on all Persons claiming by, from, or under such Proprietor or Owner, or otherwise, to the same Extent as if such Notice had been served on such last-mentioned Persons respectively. 25

Mode of
giving Con-
sent by Cor-
porations,
&c.

42. When the Consent of any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals is herein required, such Consent shall be expressed in Writing, in the Case of Individuals under their Hands, in the Case of a Corporation under their Common Seal, and in the Case of a Company, 30 Undertakers, Commissioners, Conservators, or Trustees, under the Hand of their Clerk or other duly authorized Officer or Agent.

PART VII.

Borrowing Powers.

Local Au-
thority may
borrow
Monies for
Land Pur-
chase.

43. With the Sanction of the Secretary of State, the Local Sewer Authority may borrow at Interest any Sums of Money necessary for any of the following Purposes :

Purchase of Land, and Costs incident to such Purchase, and defraying the Expenses of Works for Sewage Distribution by the Authority : 40

Or

Or for a Loan or Contribution towards the Common Distribution Works of Landholders or Undertakers.

Where the Monies borrowed, or Part thereof, are to be borne to Landholders, the same Monies or Part shall be secured on the
 5 Credit of the Charges on the Land of such Landholders under this Act, together with Interest thereon : Security on Land Charges.

And when other Monies borrowed, or Part thereof, are to be borne by any Rate or Contribution applicable to making of Sewers of the Local Sewer Authority, the same Monies or Part shall be
 10 secured on the Credit of such Rate or Contribution, with Interest thereon. On Rates.

And the same Charges, Rates, and Contributions respectively shall be accordingly assigned to the Lenders of the Monies, or any Person on their Behalf :

15 But the Local Sewer Authority may pledge the Credit of any Rate or Contribution under their Act applicable to making Sewers, in the way of Guarantee for the Security of the Charges on Land under this Act. Collateral Security.

44. The Commissioners acting in execution of the Act of the
 20 Session holden in the Nineteenth and Twentieth Years of the present Reign, Chapter Seventeen, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, may make Advances to the Local Sewer Authority upon the Security of the Charges or
 25 Rates assignable under this Act. Public Loans Commissioners authorized to lend Money to

Monies borrowed under this Act shall be repayable by Instalments within a Period not exceeding *Ten Years*, as shall be agreed upon between the Local Sewer Authority and the Lender.

45. The Clauses of the Commissioners Clauses Act, 1847, "with
 30 "respect to Mortgages to be executed by the Commissioners," shall apply to Mortgages by the Sewers Authority, and form Part of and be incorporated with this Act, and any Mortgagee or Assignee may enforce Payment of his Principal and Interest by Appointment of a Receiver, as therein mentioned. Incorporation of Mortgage Powers. Commissioners Clauses, 10 & 11 Vict. c. 16, ss. 75-88.

35 46. For better enabling the Mayor, Aldermen, and Burgesses of any Borough to raise Monies in aid of the Means provided by their existing statutory Powers for executing any Works authorized under this Act, such Mayor, Aldermen, and Burgesses, with the Consent of the Treasury, may mortgage or absolutely sell a com-
 40 petent Part or Parts of any Messuages or Lands or other Estates of or belonging to or vested in them or any Trustees for them. Powers for Corporations to sell or mortgage Estates to raise Money for Sewage Distribution Works.

And such Mortgages may contain such Powers of Entry and Sale, and other Clauses and Conditions, as may be agreed upon with the Lenders of the Monies.

Costs. The Costs of all such Mortgages as aforesaid shall be paid from and out of the Monies borrowed. 5

Registry. Copies of all such Mortgages and Conveyances shall be entered by the Town Clerk of the said Mayor, Aldermen, and Burgesses in a Book or Books to be kept by the said Mayor, Aldermen, and Burgesses for that Purpose.

Indemnity Mortgages. 47. In the Case of Mortgages and Sales, the Receipt of the 10 Local Sewer Authority, or Mayor, Aldermen, and Burgesses, as the Case may be, shall be a good and sufficient Discharge to all Persons who shall pay Money, or lend the same Sum or Sums, or any Part thereof, to the said Authority, or Mayor, Aldermen, and Burgesses, as the Case may be, for so much Money as shall be expressed in 15 such Receipt to have been received; and the Person or Persons advancing or lending the said Sum or any Part thereof to the said Authority, or Mayor, Aldermen, and Burgesses, shall not, after taking any such Receipt, be liable to see to the Application of the Money therein mentioned, nor in any way accountable for any Misappli- 20 cation or Nonapplication thereof.

PART VIII.

Legal Proceedings, Arbitration, &c.

Penalty for obstructing Workmen, or injuring Works. 48. Any Person who wilfully obstructs any Officer, Agent, or Workmen of any Sewer Authority or Landholders or Undertakers 25 making any Drain or constructing or doing any Work under this Act, and any Person who wilfully dams up, obstructs, diverts, or in any way injures any Drain or Works made under this Act, or the working of the same, shall for each Offence incur a Penalty not exceeding *Five Pounds* to be recovered in a summary Manner, 30 as herein provided.

Recovery of Penalties. 49. In relation to pecuniary Penalties and Forfeitures recover- 11 & 12 Vict. c. 43. able under this Act in a summary Manner, all the Provisions contained in the Act passed in the Eleventh and Twelfth Years of the present Reign, Chapter Forty-three, intituled "An Act to 35 " facilitate the Performance of the Duties of Justices of the Peace " out of Sessions, within England and Wales, with respect to " summary Convictions and Orders," and all Provisions which are or shall be contained in any Act amending the same, relating to the Proceedings for the Recovery of Penalties by summary Conviction, 40 and

and to the levying and enforcing of Penalties; and the Costs of such Proceedings shall be applied hereto.

50. Where, by or under the Terms of any Concession, Sewage Supply Rates become due to the Local Sewer Authority or Undertakers, the Amount whereof is not disputed, the same may be levied by Distress, after Summons, on Complaint, and any Justice, on Application, may issue his Warrant accordingly.

Sewage Supply Rates, where undisputed, recoverable by Distress.

51. In Cases where, under the Waterworks Clauses Act, 1847, a Waterworks Company is authorized to cut off the Supply of Water from any Premises, the Local Sewer Authority or the Committee or Undertakers, if they think fit, may in like Case stop or cut off the Supply of Sewage to any particular Lands, and for that Purpose may enter on such Lands between the Hours of Nine in the Morning and Four in the Afternoon, and remove or carry away the Pipe or Works of Communication with the Sewer, making Compensation to the Occupier for the Damage (if any) occasioned thereby to the Surface of the Land in his Occupation.

Power to stop Supply. 10 & 11 Vict. c.

52. The Local Sewer Authority or Landholders or Undertakers may pay and apply any Part of the pecuniary Penalties or Forfeitures or Fines under this Act, or under any Byelaw made by virtue thereof, to the Informant, or any Person, not being a Witness or Witnesses, aiding or assisting in the Apprehension of any Offender therein.

Power to give Part of Penalty to Informant.

53. And with respect to the Settlement of Disputes by Arbitration the following Regulations apply :

Arbitration.

If any Difference arise between the Local Sewer Authority and the Landholders or Undertakers as to the Sufficiency of any Works, or as to the proper Means of altering or improving any Work, or as to the Remuneration for the Sewage, or otherwise :

30 It shall be lawful for either Party to such Difference, by Notice in Writing to be served upon the other Party, to demand that Proceeding by Arbitration be taken to settle such Difference, according to the Provisions of the Lands Clauses Consolidation Act, 1845 :

35 And for such Arbitration the Landholders or the Committee concerned shall be deemed one of the Parties, and appoint one Arbitrator only, and the Local Sewer Authority or Undertakers shall be deemed the other Party, and appoint the other Arbitrator :

40 And accordingly the Arbitrators or their Umpire shall determine every such Difference, and if any Works are to be executed by the Local Board, or the Landholders or Undertakers,

[4.]

C 3

in

in respect of the Matter referred, specify the same, and prescribe the Time within which such Works shall be completed; and the Costs of every such Reference shall be in the Discretion of the Arbitrator or Arbitrators or Umpire.

Commons
Powers.

55. Where under this Act Powers, and under any other Act of 5 Parliament Powers relating to the same Subject, are given to any Local Sewer Authority, the Authority, at their Option, may exercise either Class of Powers.

Application
to Scotland
and Ireland.

56. In the Application of this Act to Scotland and Ireland the Changes mentioned in the Schedule of Adaptations to this Act 10 annexed shall be made.

The SCHEDULE.

In England.	In Scotland.	In Ireland.
Local Sewer Authority of a Town or populous District or Place.	In any Burgh or Place within the Jurisdiction of Commissioners or Trustees or other Authority, under the General Police and Improvement Act, Scotland, 1862, or any Local Act for promoting public Health, such Trustees, Commissioners, or Authorities. In any other Burgh or Place, if within the Jurisdiction of a Town Council, such Town Council.	For Cities, Boroughs, and Places having Local Acts for promoting public Health, the Commissioners, Board, or other Authority thereunder. In other Cities and Boroughs having Town Councils, the Town Council.
Landholder.	Fiar, Life Renter, or Heir of Entail in the actual Possession of the Land, or in Receipt of the Rents payable on the Tacks, Leases, or Tenancies of the Tenants in actual Possession.	Such Persons as, under the Act passed in the First and Second Years of the present Reign, to abolish Compositions for Tithes in Ireland, and to substitute Rentcharges in lieu thereof, have the First Estate or Interest equivalent to a perpetual Estate or Interest in Land, and also any Tenant in Dower or by the Courtesy, or any Person having under the Limitations of any Settlement by Deed, Will, or otherwise, the particular Estate thereby created or limited out of or in any Estate of Inheritance, or in any such Estate or Interest as by or under the last-mentioned Act is to be deemed equivalent to a perpetual Estate or Interest.
Lands Clauses Consolidation Act, 1845.	Lands Clauses Consolidation Scotland, 1845, with Exceptions of Clauses answering to the Clauses excepted out of the English Act.	Same as England.
Summary Procedure for Recovery of Penalties and Monies before Justices.	Summary Procedure before the Sheriff or Two Justices, in manner directed by the Summary Procedure Act, Scotland, 1864, for Penalties and like Sums of Money. The Judgment or Order to be final, and not reviewable by Advocation, Suspension, or Reduction.	Before Two Justices in Petty Sessions in manner directed by the Petty Sessions Act, Ireland, 1851, or before Civil Bill Courts. In Dublin Police District, before any Divisional Magistrate of Police.
Charges recoverable as Tithe Rentcharges.	Recoverable as Feu Duties out of the Land.	Recoverable as Tithe Rentcharges.

Sewage Utilization.

A

B I L L

For facilitating the more useful Application of Town Sewage in Great Britain and Ireland.

(Prepared and brought in by
Lord Robert Montague, Sir FitzRoy Kelly,
Mr. Ferrand, and Mr. Herbert.)

*Ordered, by The House of Commons, to be Printed,
9, February 1865.*

[Bill 4.]

Under 3 oz.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Facilitating the more useful Application of Sewage in Great Britain and Ireland.

- W**HEREAS it is expedient to remove Difficulties under Preamble.
which Local Boards and other Bodies having the Care of
Sewers labour in disposing of the Sewage of their Districts
so as not to be a Nuisance, and to give Facility to such Authorities
5 to make Arrangements for the Application of such Sewage to Land
for Agricultural Purposes: Be it therefore enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of
the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same:
- 10 **1.** This Act, for all Purposes, may be cited as "The Sewage Short Title.
Utilization Act, 1865."
- 2.** This Act shall not extend to any Part of the Metropolis as Application
defined by the Act of the Session Eighteenth and Nineteenth Years of Act.
of the present Reign, Chapter One hundred and twenty, for better
15 Local Management of the Metropolis.
- 3.** The Expression "Sewer Authority" shall, in the several Definition of
Places in the Schedule annexed hereto in that Behalf mentioned, Sewer Au-
[Bill 105.] A mean
thority.

mean the Persons or Bodies of Persons referred to in the First Column of the Schedule annexed hereto; and the Term "District," in relation to a Sewer Authority, shall, as respects each Authority, mean the Place in that Behalf referred to in the Second Column of the said Schedule. 5

"Local Board" shall mean a Local Board authorized in pursuance of the "Public Health Act, 1848," and "The Local Government, Act, 1858," or One of such Acts.

Powers of
Sewer Au-
thorities.

4. Sewer Authorities shall have Power to construct such Sewers as they may think necessary for keeping their District properly 10
cleansed and drained, and shall, as respects all Sewers constructed by them, have all the Powers that Local Boards have, in respect of Sewers vested in or constructed by them, under the Forty-fifth and Forty-sixth Sections of "The Public Health Act, 1848," the Thirtieth Section of "The Local Government Act, 1858," and the 15
Fourth Section of "The Local Government Act, 1858," "Amendment Act, 1861," subject to the Provisions of the Fifth and Sixth Sections of the last-mentioned Act, and to the Saving Clauses in "The Local Government Act, 1858," mentioned, from Sixty-eight to Seventy-four, both inclusive. 20

Power of
Entry.

5. The Sewer Authority shall have the Powers of Entry conferred by the One hundred and forty-third Section of the "Public Health Act, 1848," for the Purposes of making or keeping in repair any Works made or to be made by them, as well as for the Purposes specified in the said Section. 25

Payment of
Expenses.

6. A Sewer Authority shall pay all Expenses incurred by them in carrying this Act into effect out of the Fund or Rate in the Schedule in that Behalf mentioned, and shall have all such Powers of borrowing Money on the Security of such Fund or Rate as Local Boards have of borrowing Money under "The Local Govern- 30
ment Act, 1858," and the Acts amending that Act, on the Security of the Funds or Rates in the said Acts in that Behalf mentioned, subject to the Conditions and Sanction under which such Powers are exercised by Local Boards under the said Acts.

Power to
take Lands.

7. A Sewer Authority shall, for the Purposes of this Act, have 35
the Powers of taking Lands conferred on Local Boards by the Seventy-fifth Section of "The Local Government Act, 1858," and any Act amending the same.

Compensa-
tion.

8. Full Compensation shall be made, out of any Fund or Rate applicable to the Purposes of this Act, to all Persons sustaining 40
any

any Damage by reason of the exercise of any of the Powers of this Act; and in case of Dispute as to Amount, the same shall be settled by Arbitration, as provided in "The Public Health Act, 1848," or any Act amending the same, or if the Compensation
5 claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner, in manner provided by the Acts mentioned in this Section.

9. Two or more Sewer Authorities, including under that Expres-
10 sion for the Purposes of this Section Local Boards, may combine together for the Purpose of executing any Works that may be for the Benefit of their respective Districts, and all Monies they may agree to contribute for the Execution of such common Works shall, in the Case of each Authority, be deemed to be Expenses
15 incurred by them in the Execution of Works within their District, and shall be raised accordingly.

Power of Sewer Authorities to combine.

10. A Sewer Authority, with the Sanction of One of Her Majesty's Principal Secretaries of State, may, either in their own Names, or in the Names of any other Person, take such Proceedings
20 by Indictment, Bill in Chancery, Action, or otherwise, as they may deem advisable, for the Purpose of protecting any Watercourse within their Jurisdiction from Pollutions arising either within or without their District; and the Costs of and incidental to any such Proceedings shall be deemed to be Expenses properly incurred by
25 the Sewer Authority in carrying into effect the Purposes of this Act.

Sewer Authority may take Proceedings to prevent Pollution of Streams.

11. The Public Works Loan Commissioners, as defined by "The Public Works Loan Act, 1853," may advance to any Sewer Authority, upon the Security of any Rate applicable to the Purposes of
30 this Act, without any further Security, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State, to be applied by such Authority in carrying into effect the Purposes of this Act.

Public Works Loan Commissioners to lend Money to Sewer Authorities.

12. All Powers given by this Act shall be deemed to be in
35 addition to and not in derogation of any other Powers conferred on any Sewer Authority by Act of Parliament, Law, or Custom; and the Sewer Authority may exercise such other Powers in the same Manner as if this Act had not passed.

Powers of Act cumulative.

13. The Sewer Authority of any Place, and any Landowner or
40 Landowners in the Neighbourhood, may from Time to Time
[105.] A 2 mutually

General Power for Sewer Au-

thorities and
Landholders
to contract
for Sewage
Application.

mutually agree as to what Works are to be made for the Purpose of applying the Sewage of the Place to Land, and the Parties to execute the same and to bear the Costs thereof, and as to what Sum or Sums of Money, if any, are to be paid by the Landowner or Landowners for the Supply of the Sewage, and for what Time or 5 Term, and on what Conditions the Supply is to continue, such Term not exceeding Ten Years for any One Contract; and they may, at the Expiration of the Contract, mutually agree as to the Renewal of such Contract, with or without Modification, subject to the like Limitation as to its Term of Duration; and they may 10 also agree as to any new Works, or Improvements or Alterations of existing Works, and as to the Execution of such new or altered Works, and the Parties to execute or pay for the same.

Service for
Sewage Dis-
tribution
Works
deemed for
Improve-
ment of
Land under
27 & 28 Vict.
c. 114.

14. The making of Works of Distribution and Service for the Supply of Sewage to Lands for Agricultural Purposes shall be 15 deemed an "Improvement of Land" authorized by the "Land Improvement Act, 1864," and the Provisions of that Act shall apply accordingly.

SCHEDULE.

ENGLAND AND WALES.

Description of Local Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The Mayor, Aldermen, and Burgesses acting by the Council.	In Boroughs, with the Exception of the Boroughs of Oxford and Cambridge, not within the Jurisdiction of a Local Board.	The Borough Fund or Borough Rate.
The Commissioners, Trustees, or other Persons intrusted by any Local Act of Parliament with Powers of improving, cleansing, lighting, or paving the Town.	The Boroughs of Oxford and Cambridge, and any Town or Place not included within the above Descriptions, and under the Jurisdiction of Commissioners, Trustees, or other Persons intrusted by any Local Act with Powers of improving, cleansing, lighting, or paving any Town.	Any Rate leviable by the Commissioners, Trustees, or other Persons.
The Vestry, Select Vestry, or other Body of Persons acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry.	In Parishes not within the Jurisdiction of any Sewer Authority herein-before mentioned, and in which a Rate is levied for the Maintenance of the Poor.	The Poor Rate.

SCOTLAND.

The Police Commissioners or Trustees.	Any Borough or Place within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act of Parliament.	Any Rate leviable by the Commissioners or Trustees, or any Fund belonging to them, applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.
The Town Council	Any Burgh not subject to the Jurisdiction of any such Police Commissioners or Trustees as aforesaid.	The Borough Fund or Borough Rate.
The Commissioners, Trustees, or other Persons intrusted by the Local Act with Powers of improving or cleansing the Town.	Any Town not included within the above Description, and under the Jurisdiction of Commissioners, Trustees, or other Persons intrusted by any Local Act with Powers of improving, cleansing, or paving any Town.	Any Rate leviable by the Commissioners, Trustees, or other Persons intrusted by the Local Act with Powers of improving or cleansing the Town.

I R E L A N D.

Description of Local Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The Right Hon. the Lord Mayor, Aldermen, and Burgesses.	The City of Dublin - - -	The District Sewer Rate.
The Mayor, Aldermen, and Burgesses.	Towns Corporate or Boroughs (with the Exception of Dublin).	Any Rate leviable by the Town Council, or any Fund belonging to them, applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.
The Town Commissioners or other Governing Body.	Towns having Town Commissioners under 9 G. 4. c. 82. or 17 & 18 Vict. c. 103., or any Acts amending the same, or having Commissioners or other Governing Body under any Local Act.	Any Rate leviable by these Bodies, or any Fund belonging to them, applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.
The Board of Guardians or any Committee thereof appointed by the Board.	Any Town or Village in any Union not included in the above Descriptions.	The Poor Rate ; but the Expenses to be charged only on the Electoral Division in which the Town or Village is situated.

Sewage Utilization.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For facilitating the more useful Application of Sewage in Great Britain and Ireland.

(Prepared and brought in by
Lord Robert Montague, Sir FitzRoy Kelly,
Mr. Ferrand, and Mr. Herbert.)

Ordered, by The House of Commons, to be Printed,
6 April 1865.

[Bill 105.]

Under 1 oz.

LORDS AMENDMENTS

TO THE

SEWAGE UTILIZATION BILL.

Note.—*The Page and Line refer to the Bill (80.) as printed by the Lords.*

Page 1.

Line 15. After (“Metropolis”) insert (“and shall not extend to
“any Parish as defined in the Schedule to this Act in a Part of
“which Parish the Public Health Act, 1848, and the Local
“Government Act, 1858, or One of such Acts, is in force at the
“Time of the passing of this Act”)

Page 3.

Line 30. Leave out (“or without its”) and insert (“its own or
“any next adjoining”)

Line 34. After (“Act”) insert Clause (A.)

Clause (A.) Nothing contained in this Act or in the Acts referred to therein shall authorize any Sewer Authority to make a Sewer so as to drain direct into any Stream or Watercourse.

Page 4.

Leave out Clause 13. and insert Clause (B.)

Clause (B.) The Sewer Authority of any Place may from Time to Time, for the Purpose of utilizing its Sewage, agree with any Person or Body of Persons, corporate or unincorporate, as to the Supply of such Sewage, and Works to be made for the Purpose of that Supply, and the Parties to execute the same and to bear the Costs thereof, and the Sums of Money, if any, to be paid for that Supply; provided that no Contract shall be made for the Supply of Sewage for a Period exceeding Twenty-five Years.

LORDS AMENDMENTS

TO THE

SEWAGE UTILIZATION BILL.

*Ordered, by The House of Commons, to be Printed,
16 June 1865.*

[Bill 221.]

Under 1 oz.



A

B I L L

TO

Render Owners of Dogs in England and Wales liable for Injuries to Cattle and Sheep.

WHEREAS it is expedient to amend the Law as to the Preamble.
Liability of the Owners of Dogs for Injuries done to Cattle
and Sheep by such Dogs: Be it therefore enacted by
the Queen's most Excellent Majesty, by and with the Advice and
5 Consent of the Lords Spiritual and Temporal, and Commons; in
this present Parliament assembled, and by the Authority of the
same, as follows :

1. The Owner of every Dog shall be liable in Damages for
Injury done to any Cattle or Sheep by his Dog ; and it shall not be
10 necessary for the Party seeking such Damages to show a previous
mischievous Propensity in such Dog, or the Owner's Knowledge of
such previous Propensity, or that the Injury was attributable to
Neglect on the Part of such Owner. Such Damages shall be re-
coverable by the Owner of such Cattle or Sheep killed or injured
15 in any Court of competent Jurisdiction. Where the Amount of the
Damages claimed shall not exceed *Five Pounds*, the same shall be
recoverable in a summary Way before any Justice or Justices sitting
in Petty Sessions under the Provisions of the Act Eleven and
Twelve Victoria, Chapter Forty-three.

Owner of
Dog to be
liable in
Damages for
any Injury
committed
by his Dog.

Recovery of
Damages.

[Bill 57.]

2. The

Who shall be
deemed the
Owner of
the Dog.

2. The Occupier of any House or Premises where any Dog was kept or permitted to live or remain at the Time of such Injury shall be deemed to be the Owner of such Dog, and shall be liable as such, unless the said Occupier can prove that he was not the Owner of such Dog at the Time the Injury complained of was committed, 5 and that such Dog was kept or permitted to live or remain in the said House or Premises without his Sanction or Knowledge: Provided always, that where there are more Occupiers than One in any House or Premises let in separate Apartments, or Lodgings, or otherwise, the Occupier of that particular Part of the Premises in 10 which such Dog shall have been kept or permitted to live or remain at the Time of such Injury shall be deemed to be the Owner of such Dog.

Extent of
Act.

3. This Act shall extend to England and Wales only.

Sheep and Cattle.

A

B I L L

To render Owners of Dogs in England
and Wales liable for Injuries to Cattle
and Sheep.

(Prepared and brought in by
*Mr. Henry Fennick, Mr. Shafto, and Sir
Hedworth Williamson.*)

*Ordered, by The House of Commons, to be Printed,
7 March 1865.*

[Bill 57.]

Under 1 oz.

LORDS AMENDMENTS

TO THE

SHEEP AND CATTLE BILL.

Note.—*The Page and Line refer to the Bill (58.) as printed by the Lords.*

Page 1.

Line 14. After ("recoverable") insert ("in any Court of competent Jurisdiction")

Line 15. Leave out ("in any Court of competent Jurisdiction")

LORDS AMENDMENTS

TO THE

SHEEP AND CATTLE BILL.

*Ordered, by The House of Commons, to be Printed,
19 June 1865.*

[Bill 229.]

Under 1 oz.



A

B I L L

FOR

The further Protection of Sheep and other Property from Dogs in Ireland.

WHEREAS much Loss and Damage is suffered by the Owners of Sheep and other Property by the Ravages of Dogs, the Owners of which are either unknown, or have no Use for the same: And whereas there is great Difficulty in identifying the Owners of such Dogs: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

- 10 1. Any Person after *the passing of this Act* having in his Possession any Dog or Dogs shall, before the Day of
in each Year, deliver to the Head Constable or Sergeant of Constabulary or Head of the Local Police of the District in which such Person resides a Notice in the Form (A.) in the Schedule of this
15 Act annexed, signed by such Person, specifying the Parish and Townland where such Person shall be resident, and the Number and Description of any Dog or Dogs which he desires to keep.
- Any Person keeping a Dog to give Notice thereof to Constabulary.

[Bill 43.]

A

2. Every

Constable to make Entry thereof in Book to be kept for that Purpose.

2. Every such Head Constable or Sergeant of Constabulary or Head of the Local Police shall at the Time of the Receipt of each Notice, which shall be delivered to him under the Provisions of this Act, make an Entry thereof in a Book or Books to be by him provided for that Purpose, which Book or Books shall be 5 kept by him, and be open to the Inspection of every Justice of the Peace, County Inspector, or Sub-Inspector of the Constabulary or Head of Local Police Force of such County or District; and such Head Constable or Sergeant of Constabulary or Police shall upon Payment by such Applicant of a Sum of *Two Shillings and Six-* 10 *pence* for each Dog so kept, deliver to such Applicant a Receipt of such Registration and Payment in the Form (B.) in the Schedule of this Act annexed, which shall entitle the Person to whom the same is given to keep such Dog or Dogs for *One Year* then next 15 ensuing.

Constable annually to transmit Copy of Entries and Account of Fees to Clerk of Poor Law Union.

3. The Head Constable or Sergeant of Constabulary or Local Police shall, on or before the Day of in each Year, transmit to the Clerk of the Poor Law Union in which such District is situate a true Copy of all Entries so made, and a true Account of all Money so received under this Act, and shall 20 pay to the Guardians of such Union *Three Fifths* of all Money so received under this Act, and such Guardians shall apply all such Monies to the General Fund of such Union.

Portion of Fees to go to Constabulary.

4. The remaining *Two Fifths* of all Monies so received under this Act shall be applied in remunerating such Head Constable or 25 Sergeant of Constabulary or Local Police in such Manner as the Inspector General of Constabulary shall sanction.

Penalty on Owners of Dogs not having same registered.

5. Any Person who shall; after the Day of in each Year after *the passing of this Act*, have in his Possession any 30 Dog or Dogs not duly registered in accordance with this Act, may be summoned by the Head Constable or other Constable of Police before the Justices at Petty Sessions, and upon Conviction shall forfeit a Sum not exceeding *Two Pounds*, and not less than *Five Shillings*.

Summary Jurisdiction.

6. In all Cases of Summary Jurisdiction under this Act it shall 35 be lawful for the Justices so adjudicating thereon to exercise the General Powers contained in the Fourteenth and Fifteenth Victoria, Chapter Ninety-three, Section Twenty-two, (Petty Sessions Act, 1851).

Dog may be destroyed if Owner not discovered.

7. The Head Constable or Sergeant of Constabulary or Head of 40 the Local Police may destroy or cause to be destroyed any Dog found in

in his District, the Owners of which, after due Inquiry, cannot be discovered.

8. No Dog of less Age than *Six Months* shall be liable to Registration under the Provisions of this Act.

Dogs under Six Months old need not be registered.

5 9. The Provisions of this Act shall come into operation on the Day of .

Commencement of Act.

10. This Act shall extend to Ireland only.

Act only to extend to Ireland.

(B.)

I hereby certify that *A.B.*, [*Farmer*,] residing at
 in the Parish of _____ in the County of _____
 has this Day duly registered himself as Owner for the Year ending
 5 _____ of the Dogs described at
 the Foot hereof, and paid the Sum of _____ for the
 Registration thereof, as required by the Act for the "Further
 Protection of Sheep and other Property from Dogs,"
 Vict. Cap. _____

10	Number of Dogs.	Colour.	Age. ↓	Description.

Signed *A.B.*, Head Constable of _____

Dated this _____ Day of _____

Sheep, &c. Protection (Ireland).

A

B I L L

For the further Protection of Sheep and
other Property from Dogs in Ireland.

*(Prepared and brought in by
Sir Frederick Heygate, Mr. Leader, and
The O'Connor Don.)*

*Ordered, by The House of Commons, to be Printed,
24 February 1865.*

[Bill 43.]

Under 1 oz.

785

Small Benefices (Ireland) Act (1860) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Short Title; Sect. 1.

Interpretation; 2.

Certain Provisions of original Act extended to Contracts; 3.

Registration and Effect of Contracts; 4.

Incumbent to have Cure of Souls; 5.

Contracts made previous to Act valid; 6.

As to Money given in the Offertory; 7.

Fees to be received for Performance of Church Offices; 8.

Application of Fees; 9.

Bishop of Diocese to determine Proportion of Fees, &c. in certain
Cases; 10.



A

B I L L

TO

Amend “The Endowment and Augmentation of Small Benefices (Ireland) Act, 1860.”

WHEREAS by an Act passed in the Session of Parliament Preamble.
held in the Twenty-third and Twenty-fourth Years of
the Reign of Her present Majesty, intituled “Endow-
ment and Augmentation of Small Benefices Act (Ireland), 1860,”

5 Provision was made for the Augmentation of Small Benefices, and
the Acquisition of Patronage thereby; and it is expedient that
further Facilities should be given for the same Purposes, and that
Provision should also be made authorizing the Payment of Fees for
Church Offices performed in certain Benefices: Be it enacted by the
10 Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same, as
follows:

1. This Act may be cited as “Endowment and Augmentation of Short Title.
15 Small Benefices Act (Ireland) Amendment Act, 1865,” and shall
with the said recited Act, herein-after called the original Act,
constitute One Act.

2. In the Construction of this Act the Words “Church Offices,” Interpre-
tation.
shall mean Marriages, Baptisms, Burials, and Churchings.

[Bill 13.]

A

3. The

2 *Small Benefices (Ireland) Act (1860) Amendment.*

Certain Provisions of original Act extended to Contracts.

3. The Provisions contained in the original Act for the Assignment of the Advowson, Right of Patronage of, or Nomination or Presentation to any Benefice by the Ecclesiastical Person seized thereof shall extend to a Contract for the like Purposes, whether entered into before or after such Benefice shall be fully constituted, 5 or before or during the building of a Church for any such Benefice, or previous to or after the Consecration thereof.

Registration and Effect of Contracts.

4. The Contract shall be by Deed and be entered in the Registry of the Diocese and enrolled in the Rolls Office of the High Court of Chancery in Ireland, and thereupon such Contract, so far as it 10 is in accordance with the Provisions of the original Act and not repugnant thereto, shall be binding upon the Parties to it, their Heirs, Executors, Administrators, and Successors in Office, and shall without any further Assignment, upon the Fulfilment of the Terms of the Contract and upon the Provisions of the original Act being 15 complied with, absolutely vest the Patronage of the Benefice contracted for in the Nominees of the Person or Persons or Body endowing the same, in such Mode as may be provided by such Contract and be in accordance with the original Act.

Incumbent to have Cure of Souls.

5. When a Benefice has been endowed and the Patronage thereof 20 vested or assigned under this or the original Act, the Incumbent of such Benefice shall have exclusive Cure of Souls within the same, and where formed out of any other Parish or Place shall not be in anywise subject to the Control or Interference of the Incumbent of the Mother Church of the Parish or Place out of which such 25 Benefice shall be taken.

Contracts made previous to Act valid.

6. All Contracts for the Endowment and Acquisition of Patronage of Small Benefices entered into previous to the passing of this Act, but which if entered into subsequently would have been valid, are hereby confirmed and declared to have the same Effect as 30 Contracts entered into under this Act.

As to Money given in the Offertory.

7. The Money given in the Offertory of the Church of any Benefice of which the Patronage has been vested or assigned under this or the original Act, shall be disposed of by the Incumbent and Churchwardens of such Church in the same Manner as the Money 35 given at the Offertory in any ancient Parish Church may be disposed of, any Law or Usage for the Payment of the same to a Mother Church notwithstanding.

Fees to be received for Performance

8. The same Fees shall be received and recovered for the Performance of Church Offices in any Benefice formed out of another 40 Parish

Parish or Place, the Patronage of which has been acquired under this or original Act, as would be received and recovered for the like Offices had they been performed in the Mother Church of the Parish or Place out of which such Benefice shall have been taken ;
5 and such Fees may be sued for by the Incumbent, Clerk, or Sexton of the Benefice to whom the same may be respectively payable, in like Manner as if the same were ancient legal Fees of the like Nature.

9. Such Fees, save such Portion thereof as the Bishop of the Diocese shall by Writing under his Hand reserve for and assign to the Incumbent, Clerk, or Sexton of the Benefice, shall where the Benefice has been formed out of another Parish or Place belong to the Incumbent, Clerk, or Sexton of the Mother Church during his Incumbency, and during the Time that such Clerk or Sexton shall
15 retain their Situations, and an Account of such Fees shall be kept by the Incumbent of the Benefice, who is hereby required to receive and every *Six Months* pay over the same (or such Proportion thereof as shall be payable) to the Incumbent of the Mother Church for the Use of herself and the Clerk or Sexton who would have been
20 respectively entitled to the same if such Benefice had not been formed. And from and after the Avoidance of the original Mother Church, and after the Situation of such Clerk or Sexton shall become vacant next after the Formation of the Benefice, then and from thenceforth such Fees shall belong and be paid to the Incumbent
25 of the Benefice and the Clerk or Sexton thereof, save such Portion thereof respectively as the Bishop of Diocese shall by Writing under his Hand assign to the next or any subsequent Incumbent or Clerk, which Assignment and Redistribution the Bishop is hereby authorized to make, if he thinks fit, upon each Avoidance or Vacancy in the
30 Mother Church.

10. Where any Benefice, the Patronage of which is acquired under this or the original Act, shall be formed out of more than One Parish the Bishop of the Diocese shall by Writing under his Hand determine which Parish shall for the Purposes of this Act be
35 deemed the Mother Parish, or may in his Discretion determine in what Proportion Fees for Church Offices performed in the Benefice shall be divided among the Incumbents of the respective Parishes, and when and how such Fees shall finally vest in the Incumbent, Clerk, or Sexton of the said Benefice.

of Church
Offices.

Application
of Fees.

Bishop of
Diocese to
determine
Proportion
of Fees, &c.
in certain
Cases.

Small Benefices (Ireland) Act (1860) Amendment.

A

B I L L

To amend “ The Endowment and Aug-
mentation of Small Benefices (Ire-
land) Act, 1860.”

(*Prepared and brought in by*
Sir Hugh Cairns and Mr. Whiteside.)

Ordered, by The House of Commons, to be Printed,
13 February 1865.

[Bill 13.]

Under 1 oz.

501

LORDS AMENDMENTS

TO THE

SMALL BENEFICES (IRELAND) ACT (1860) AMENDMENT BILL.

*Note.—The Page and Line refer to the Bill (61.) as printed by
the Lords.*

Page 1.

Line 19. After ("Churchings") insert Clause (A.)

Clause (A.)—The Bishop of the Diocese may, at his absolute Discretion, by an Instrument under his Hand and Seal, which shall be filed in the Registry, assign the Right of Patronage of any Benefice formed out of One or more Parishes or Places, and the Nomination of the Incumbent thereof, either in perpetuity or for One or more Nominations, to any Body or Person, or their or his Nominee or Nominees, in consideration of such Body or Person contributing Money or other Property not less in Amount or Value than Seven hundred Pounds, to be invested or secured, according to the Directions of the Ecclesiastical Commissioners for Ireland, towards the permanent Endowment of such Benefice, or towards providing a Church or Chapel for the Use of the Inhabitants of the District; and until any such Assignment shall be made, and subject to it when made, the said Right of Patronage and Nomination shall be dealt with according to the Provisions of the Acts of the Fourteenth and Fifteenth Years of the Queen, Chapter Seventy-two, and the Twenty-third and Twenty-fourth Years of the Queen, Chapter Seventy-two.

Page 3.

Leave out Clauses 8, 9, and 10, and insert Clauses (B.), (C.), and (D.)

Clause (B.)—The accustomed Fees for the Performance of Church Offices in any Benefice formed out of another Parish or Place the Patronage of which has been acquired under this or the original Act, which would be payable for the like Offices had they been performed in the Mother Church of the Parish or Place out of
[Bill 247.] which

which such Benefice shall have been taken, shall be payable and be paid to the Incumbent of the Benefice, and the several Laws, Statutes, and Customs in force relating to the Publication of Banns of Matrimony and to the Performance of Church Offices, and the registering thereof, and to the suing for and recovering of Fees, Oblations, or Offerings in respect thereof, shall apply to the Church of such Benefice and the Incumbent thereof.

Clause (C.)—Such Fees shall, where the Benefice has been formed out of another Parish or Place, belong to the Incumbent of the Mother Church during his Incumbency; and an Account of such Fees shall be kept by the Incumbent of the Benefice, who is hereby required to receive and every Six Months pay over the same (or such Proportion thereof as shall be payable) to the Incumbent of the Mother Church. And from and after the Avoidance of the original Mother Church next after the Formation of the Benefice such Fees shall belong and be paid to the Incumbent of the Benefice.

Clause (D.)—Where any such Benefice, the Patronage of which is acquired under this or the original Act, shall be formed out of more Parishes than One, the Bishop of the Diocese shall, by Writing under his Hand, determine in what Proportion the Fees for Church Offices performed in the Benefice, and directed by this Act to be paid over to the Incumbent of the Mother Church, shall be divided between the Incumbents of such Parishes.

LORDS AMENDMENTS

TO THE

SMALL BENEFICES (IRELAND)
ACT (1860) AMENDMENT BILL.

*Ordered, by The House of Commons, to be Printed,
27 June 1865.*

[Bill 247.]

Under 1 oz.



A

B I L L

FOR

Extending certain Acts in force as to Smithfield to
other Public Markets in or near Dublin.

WHEREAS it is expedient that certain Acts of Parliament now in force with reference to the Market called Smithfield shall extend and apply to other Public Markets in or near Dublin: Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. That the Word "Smithfield" in the several Acts of Parliament referred to in the Schedule hereto shall extend and apply to the Place and Places called the New Market, the New Cattle Market, or the Dublin Cattle Market, and to every or any Public Market or Markets now established, or hereafter to be established, for the Sale of Cattle or Sheep in or near Dublin, that is to say, within the Distance or Radius of *Three* Statute Miles from the General Post Office there; and all Clauses, Restrictions, Regulations, Penalties, and Provisions whatsoever in those respective Acts applicable to Smithfield shall also extend and apply to all and each of such other Places and Markets respectively.

The Word "Smithfield" to apply to all Public Markets for the Sale of Cattle or Sheep in or near Dublin.

SCHEDULE.

10 GEORGE I. c. 10. (Irish).

An Act for regulating Abuses committed in buying and selling Cattle and Sheep in the several Markets in Ireland.

23 GEORGE II. c. 15. (Irish).

5

An Act for continuing and amending an Act passed in the Tenth Year of the Reign of His late Majesty King George the First, intituled “An Act for regulating Abuses committed in buying and “selling Cattle and Sheep in the several Markets of this Kingdom.”

31 GEORGE II. c. 8. (Irish).

10

An Act to prohibit Salesmen from being Graziers, and to redress several Abuses in buying and selling Cattle and Meat.

Smithfield Market (Dublin).

A

BILL

For extending certain Acts in force as
to Smithfield to other Public Markets
in or near Dublin.

*(Prepared and brought in by
Mr. Scully and Mr. Leader.)*

*Ordered, by The House of Commons, to be Printed,
10 February 1865.*

[Bill 10.]
Under 1 oz.



A

B I L L

TO

Amend an Act of the Twentieth and Twenty-first Years of Her Majesty, for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland, and an Act of the Twenty-fourth Year of Her Majesty, to amend the said Act.

WHEREAS an Act was passed in the Session of Parliament held in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, intituled “An Act for the Abatement of the Nuisances arising from the Smoke of Furnaces in Scotland:” And whereas another Act was passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled “An Act to amend an Act of the Twentieth and Twenty-first Years of the Reign of Her Majesty, for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland:” And whereas it is expedient that the same be amended, to the Effect after mentioned: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

20 & 21 Vict.

c. 73.

24 Vict. c. 17.

[Bill 139.]

1. The

Interpreta-
tion of the
Word
"Place" in
first-recited
Act.

1. The Word "Place" in the said first-recited Act shall mean and include every Burgh and Town of Scotland which now returns or contributes to return a Member to Parliament, and is not a Royal Burgh, and shall include the whole Area contained within the Parliamentary or Police Limits or Boundaries thereof, provided 5 the same comprehend a Population of not less than *Two thousand*; and the said recited Acts shall extend and apply to every such Burgh and Town containing the foresaid Amount of Population in the same Manner and as fully in all respects as if such Burghs and Towns had been included in the Meaning of the Word "Place" in 10 the said first-recited Act.

Smoke Nuisances, (Scotland)
Acts Amendment.

A

B I L L

To amend an Act of the Twentieth and
Twenty-first Years of Her Majesty,
for the Abatement of the Nuisance
arising from the Smoke of Furnaces
in Scotland, and an Act of the Twenty-
fourth Year of Her Majesty, to amend
the said Act.

(Prepared and brought in by
Mr. William Miller, Mr. Dunlop, and Mr. Black.)

Ordered, by The House of Commons, to be Printed,
10 May 1865.

[Bill 139.]
Under 1 oz.



A

B I L L

TO

Amend the Law relating to the Duties on Sugar,
and the Drawbacks on those Duties.

BE it enacted by The Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows :

5 1. That from and after the Day on which the Ratifications of a Convention between Her Majesty, the King of the Belgians, the Emperor of the French, and the King of the Netherlands, for regulating the Drawbacks on Sugar, which was signed at Paris on the Eighth Day of November One thousand eight hundred and
10 sixty-four, shall be exchanged,—

Duties on
Cane Juice.

In lieu of the Duties of Customs now charged on the under-mentioned Article, the following Duties of Customs shall be charged thereon, on Importation into Great Britain or Ireland; (that is to say,)

					£	s.	d.
15	Cane Juice, the Cwt.	-	-	-	0	8	2

2. That from and after the Day on which the Ratifications of a Convention between Her Majesty, the King of the Belgians, the
[Bill 198.] Emperor

Drawbacks
on refined
Sugar.

Emperor of the French, and the King of the Netherlands, for regulating the Drawbacks on Sugar, which was signed at Paris on the Eighth Day of November One thousand eight hundred and sixty-four, shall be exchanged,—

In lieu of the Drawbacks of Twelve Shillings and Tenpence now 5 allowed on certain Descriptions of refined Sugar, the following Drawbacks shall be paid and allowed on the under-mentioned Descriptions of refined Sugar on the Exportation thereof to Foreign Parts, or on Removal to the Isle of Man for Consumption there, or on Deposit in any approved Warehouse, upon such Terms and 10 subject to such Regulations as the Commissioners of Customs may direct, for Delivery from such Warehouse as Ship's Stores only or for the Purpose of sweetening British Spirits in Bond; (that is to say,)

Upon Sugar refined in Great Britain or Ireland, in Loaf complete 15 and whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout; and upon such Sugar pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been 20 first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters; and upon Candy:

	£	s.	d.	
For every Cwt.	-	-	-	0 12 4 25

Upon Sugar refined in Great Britain or Ireland by the centrifugal or any other Process, and not in any way inferior to the Export Standard No. 3. approved by the Lords of the Treasury:

	£	s.	d.	30
For every Cwt.	-	-	-	0 12 4

Sugar Duties and Drawbacks.

A

B I L L

To amend the Law relating to the Duties on Sugar, and the Drawbacks on those Duties.

(Prepared and brought in by
Mr. Dodson, Mr. Chancellor of the Exchequer,
and Mr. Peel.)

*Ordered, by The House of Commons, to be Printed,
2 June 1865.*

[Bill 198.]

Under 102.



A

B I L L

TO

Provide for the Abolition of certain Tests in
connexion with Academical Degrees in the
University of Oxford.

WHEREAS by the Forty-fourth Section of an Act passed
in the Session of Parliament held in the Seventeenth and
Eighteenth Years of the Reign of Her present Majesty,
intituled “An Act to make further Provision for the good Govern-
5 “ment and Extension of the University of Oxford, of the Colleges
“therein, and of the College of Saint Mary, Winchester,” it was
enacted, that from and after the First Day of Michaelmas Term
One thousand eight hundred and fifty-four it should not be necessary
for any Person, upon taking the Degree of Bachelor in Arts, Law,
10 Medicine, or Music, in the University of Oxford, to make or subscribe
any Declaration or take any Oath, any Law or Statute to the con-
trary notwithstanding, but that such Degree should not as such
constitute any Qualification for the holding of any Office which had
been heretofore always held by a Member of the United Church
15 of England and Ireland, and for which such Degree in the said
University had theretofore constituted One of the Qualifications,
unless the Person obtaining such Degree should have taken such
Oaths and subscribed such Declarations as were at that Time by
[Bill 85.] Preamble.
17 & 18 Vict.
c. 81. s. 44.

Law

Law required to be made and taken on obtaining such Degree, either at the Time of taking such Degree or subsequently: And whereas it is expedient to abolish the Requirement of Religious Tests as a Qualification for Academical Degrees, other than those named in the above-recited Forty-fourth Section of the said Act, and to 5 make such other Provisions as herein-after contained: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 10

Persons,
on taking
certain
Degrees not
named in
44th Section
of recited
Act, not to
be required
to subscribe
Formula of
Faith, &c.
Proviso.

1. From and after the *First Day of Michaelmas Term One thousand eight hundred and sixty-five*, no Person shall be required, upon taking or to enable him to take the Degree of Master in Arts or any other Academical Degree not named in the herein-before recited Forty-fourth Section of the said Act, to subscribe any Formulary of 15 Faith, or to make or subscribe any Declaration, or to take any Oath concerning his Religious Faith or Profession, any Law or Statute to the contrary notwithstanding: Provided always, that such Degree shall not as such constitute any Qualification for the holding of any Office which has been heretofore always held by a Member of the 20 United Church of England and Ireland, and for which such Degree has heretofore constituted One of the Qualifications, until the Person obtaining the same shall have subscribed a Declaration that he is a bonâ fide Member of the United Church of England and Ireland, in the Form contained in the Schedule to this Act annexed. 25

No Person
on taking
Degree of
Bachelor in
Arts, &c. to
be required
to sign
Declaration,
&c. under
said 44th
Section, as a
Qualification
for Office, but
to subscribe
instead
thereof
Declaration
in Schedule.

2. No Person taking or having taken the Degree of Bachelor in Arts, Law, Medicine, or Music shall, from and after the said *First Day of Michaelmas Term One thousand eight hundred and sixty-five*, as a Qualification for any Office heretofore always held by a Member of the United Church of England and Ireland, and for 30 which such Degree has heretofore constituted One of the Qualifications, be required, under the herein-before recited Forty-fourth Section of the said recited Act, to subscribe any Formulary of Faith, or to make or subscribe any Declaration or take any Oath concerning his Religious Faith or Profession, but shall instead, as a Qualifi- 35 cation for any such Office, subscribe the Declaration contained in the said Schedule to this Act annexed.

SCHEDULE.

I do declare, That I am a bonâ fide Member of the United Church of England and Ireland as it is now by Law established.

Tests Abolition
(Oxford).

A

BILL

To provide for the Abolition of certain
Tests in connexion with Academical
Degrees in the University of Oxford.

(Prepared and brought in by
Mr. Goschen and Mr. Grant Duff.)

*Ordered, by The House of Commons, to be Printed,
21 March 1865.*

[Bill 85.]

Under 1 oz.

Theatres, &c. Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Power of Quarter Sessions to license Place for Stage Plays; Sect. 1.

Places licensed to be constructed according to Rules in Schedule; 2.

Repeal of Part of Act of 25 Geo. 2; 3.

Saving for Powers of Lord Chamberlain and Justices under any other Act; 4.

Application of Lord Chamberlain's Power of licensing Plays; 5.

Saving for Universities; 6.

Extension of Enactments for Protection of Authors of Dramatic Pieces, &c.; 7.

5 & 6 Will. 4. c. 39. s. 7. not to apply; 8.

Interpretation of "Stage Play;" 9.

Short Title; 10.



A

B I L L

TO

Amend the Law relating to Theatres and other Places of Public Amusement.

WHEREAS by Section Two of the Act of the Twenty-fifth Year of the Reign of King George the Second (Chapter Thirty-six) for (among other things) “regulating Places of public Entertainment and punishing Persons keeping disorderly Houses” (to which Act the Expression “The Act of King George the Second,” when hereafter used in this Act, refers) it was enacted that any House, Room, Garden, or other Place kept for public Dancing, Music, or other public Entertainment of the like Kind in the Cities of London and Westminster, or within Twenty Miles thereof, without a Licence had for that Purpose from the last preceding Michaelmas Quarter Sessions of the Peace held for the County, City, Riding, Liberty, or Division in which such House, Room, Garden, or other Place is situate, (who were thereby authorized and empowered to grant such Licences as they in their Discretion should think proper,) should be deemed a disorderly House or Place :

And whereas it is expedient to empower such Quarter Sessions as aforesaid also to license the Use of Places for public Entertainments

[Bill 64.]

A 2

of

Preamble.
25 Geo. 2.
c. 36. s. 2.

of a higher kind, and to confer such Powers of licensing as aforesaid on Justices throughout Great Britain, and to secure that due Provision be made in the Construction and Arrangement of Places of public Entertainment for the Safety, in case of Fire or other Accident, of Persons resorting thereto, and also to amend in certain Particulars the Laws 5 relating to Performances in Theatres and other Places of public Amusement :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and 10 by the Authority of the same, as follows :

Power of
Quarter Ses-
sions, &c. to
license Places
for Stage
Plays.

1. Subject to the Provisions of this Act, Section Two of the Act of King George the Second shall be deemed to apply to a House, Room, Garden, or other Place kept for the public Performance of Stage Plays, and with such Application shall have effect through- 15 out Great Britain ; and any House, Room, Garden, or other Place for the Time being licensed under the said Section for public Dancing, Music, or other public Entertainment of the like kind, shall be deemed to be licensed under the said Section for the public Performance of Stage Plays ; and as to England, the Powers 20 conferred by the said Section shall be vested in and exercised by the Justices in Quarter Sessions having Jurisdiction where the House, Room, Garden, or Place is situate ; and as to Scotland, in a County in and by the Justices, and in a Royal Burgh in and by the Magistrates, at their General Meetings for granting 25 Publicans Certificates held for the County, District, or Royal Burgh where the House, Room, Garden, or Place is situate ; and the Term " City " used in the said Section shall include Borough ; and this Act shall be read with the said Act as One Act.

Places
licensed to
be construct-
ed according
to Rules in
Schedule.

2. Except with respect to Houses, Rooms, Gardens, or other 30 Places licensed under the said Section before the passing of this Act, a Licence shall not be granted under the said Section as applied by this Act for any House, Room, Garden, or other Place unless the Justices or Magistrates are satisfied by such Evidence on Oath or otherwise as they think fit to require, that the same is 35 constructed and arranged in conformity with the Rules prescribed in the Schedule to this Act ; but, notwithstanding anything in this Act, any House, Room, Garden, or other Place so licensed before the passing of this Act shall not be deemed to be licensed for the public Performance of Stage Plays, unless the Justices or Magistrates 40 are satisfied as aforesaid.

3. Section

3. Section Three of the Act of King George the Second (relative to an Inscription over a Door or Entrance, and to the Hour of opening,) is hereby repealed.

Repeal of
Part of Act
of 25 Geo. 2.

4. Nothing in this Act shall affect the Power of the Lord Chamberlain of Her Majesty's Household or of Justices under any other Act to license Theatres, or any Enactment relating to Theatres so licensed; and nothing in the Provisions of this Act respecting licensing shall apply to any Theatre, Performance, or Entertainment expressly excepted by the Act of King George the Second from the Operation of Section Two thereof, or to any Theatre licensed by Justices under any other Act.

Saving for
Powers of
Lord Cham-
berlain and
Justices
under any
other Act.

5. A House, Room, Garden, or other Place licensed under Section Two of the Act of King George the Second as applied by this Act shall be subject to the Authority of the Lord Chamberlain with respect to the Examination, Disallowance, and Prohibition of Plays, Acts, Scenes, Prologues, Epilogues, and Parts, in the like Manner and to the like Extent in all respects as Theatres licensed by the Lord Chamberlain, or by Justices under any other Act, are now subject thereto.

Application
of Lord
Chamber-
lain's Power
of licensing
Plays.

6. A Licence under Section Two of the Act of King George the Second as applied by this Act for the keeping of a House, Room, Garden, or other Place within the Precincts of the University of Oxford, or of the University of Cambridge, or within *Fourteen* Miles of the City of Oxford or of the Town of Cambridge, shall not be granted without the Consent in Writing of the Chancellor or Vice Chancellor of the respective University.

Saving for
Universities.

7. The Act of the Session of the Third and Fourth Years of the Reign of King William the Fourth (Chapter Fifteen) "to amend the Laws relating to Dramatic Literary Property," and Sections Twenty, Twenty-one, and Twenty-two of the Act of the Session of the Fifth and Sixth Years of Her Majesty's Reign (Chapter Forty-five) "to amend the Law of Copyright," shall, besides applying to Musical Compositions, as by the last-mentioned Sections provided, apply also to the Words to which any such Musical Composition is set, as if such Words as well as Musical Composition had been referred to throughout the last-mentioned Sections, and shall also extend to every House, Room, Garden, or other Place licensed under Section Two of the Act of King George the Second as applied by this Act.

Extension of
Enactments
for Protec-
tion of Au-
thors of
Dramatic
Pieces, &c.
3 & 4 W. 4.
c. 15.
5 & 6 Vict.
c. 45.

5 & 6 W. 4.
c. 39. s. 7.
not to apply.

8. A House, Room, Garden, or other Place licensed under Section Two of the Act of King George the Second as applied by this Act shall not by reason only of being so licensed be deemed a Theatre or Place of public Entertainment licensed by Justices within the Meaning of Section Seven of the Act of the Session of 5 the Fifth and Sixth Years of the Reign of King William the Fourth (Chapter Thirty-nine) “to exempt certain Retailers of “ Spirits to a small Amount from the additional Duties on Licences, “ and to discontinue the Excise Survey on Wine and the Use of “ Permits for the Removal thereof.” 10

Interpreta-
tion of “Stage
Play.”

9. The Term “Stage Play” for the Purposes of this Act includes every Tragedy, Comedy, Farce, Burlesque, Opera, Burletta, Inter- lude, Melodrama, Pantomime, Ballet, and other Entertainment of the Stage, and every Oratorio and every other Piece, Composition, or Entertainment, dramatic, scenic, lyrical, or musical (not being 15 merely instrumental), acted, sung, or presented, and whether by way of Dialogue, Monologue, or otherwise, and whether accompanied or not with any special Dresses, Scenery, or other Accessories.

Short Title.

10. This Act may be cited as The Theatres, &c. Act, 1865.

THE SCHEDULE.

RULES.

1. Every Hall and Corridor shall have a clear Width proportionate to the Number of Persons to be accommodated in that
5 Part of the Building to which such Hall or Corridor leads, not being less in any Case than *Five Feet*, and for each *Hundred* Persons over *Five hundred One Foot* more in Width. But this Rule does not apply to Private Box Lobbies or Corridors to which the Public have not free Access.
- 10 2. There shall be in each Part of the Building, Doorway Access of *Six Feet* at least for each *Five hundred* Persons to be accommodated in such Part, and *One Foot* in addition for each additional *Hundred* Persons to be accommodated in such Part; and no Box or other internal Doorway shall be less than *Three Feet* wide.
- 15 3. All Doors shall be so hung as to open Outwards, that is, towards the Way of Egress.
4. During all Times when the Building is open to the Public, all Halls and Corridors shall be maintained free and clear in the Direction of Egress, and in that Direction unobstructed with Barriers
20 or other Impediments.
5. All Alleyways and Gangways in those Parts of the Building where the Public are placed shall, during the Times when the Building is open to the Public, be maintained free and clear of Seats or other Obstructions to the free Ingress and Egress of the
25 Public, and shall be used for Passage only.
6. All Gaslights in any Part of the Building which are or may be at any Time within *Two Feet* of any inflammable Substance shall be efficiently guarded with Wirework or other proper Means of Security against the Communication of Fire.

Theatres, &c.

A

B I L L

To amend the Law relating to Theatres
and other Places of public Amuse-
ment.

(Prepared and brought in by
Mr. Locke, Mr. Ayrton, and Mr. Denman.)

Ordered, by The House of Commons to be Printed,
10 March 1865.

[Bill 64.]
Under 1 oz.



A

B I L L

TO

Repeal the Act of the Parliament of Ireland, of the Sixth Year of Anne, Chapter Eleven, for explaining and amending the several Acts against Tories, Robbers, and Rapparees.

WHEREAS it is expedient to repeal the Laws now in force under which poor People in Ireland are sentenced to Penal Servitude for the Offence of Vagrancy: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. The Irish Act of the Sixth Year of Queen Anne, Chapter Eleven, for explaining and amending Two several Acts against Tories, Robbers, and Rapparees, and the several Acts amending or continuing the same, are hereby repealed. Repeal of Act 6 Anne c. 11. (I.) and Acts continuing same.
2. From and after the *passing of this Act*, it shall not be lawful for any Grand Jury to present any Person in Ireland as a Vagrant, any Statute to the contrary notwithstanding. Grand Juries not to present Persons in Ireland as Vagrants.
3. This Act to be called "The Vagrancy, Ireland, Amendment Act (1865)." Short Title.

[Bill 95.]

Tories, Robbers, and Rapparees.

A

BILL

To repeal the Act of the Parliament of
Ireland of the Sixth Year of Anne,
Chapter Eleven, for explaining and
amending the several Acts against
Tories, Robbers, and Rapparees.

(*Prepared and brought in by*
Mr. Hennessy and The O'Donoghue.)

Ordered, by The House of Commons, to be Printed,
28 March 1865.

[Bill 95.]

Under 1 oz.



A

B I L L

TO

Provide for the better Prevention of Trespass in Scotland.

WHEREAS it is expedient that Provision should be made Preamble.
for the better Prevention of Trespass in Scotland: Be it
enacted by the Queen's most Excellent Majesty, by
and with the Advice and Consent of the Lords Spiritual and Tem-
5 poral, and Commons, in this present Parliament assembled, and by
the Authority of the same, as follows :

1. This Act may be cited for all Purposes as "The Trespass Short Title.
(Scotland) Act 1865."

2. In this Act the following Words shall have the Meanings Interpreta-
10 hereby assigned to them : tion.

"Premises" shall mean and include any House, Barn, Stable,
Shed, Loft, Granary, Outhouse, Garden, Stackyard, Court,
Close, or inclosed Place :

15 "Magistrate" shall mean and include the Sheriff and Sheriff
Substitute, or any One or more Justice or Justices of the Peace,
or any One or more Magistrate or Magistrates, having Jurisdic-
tion respectively in the County or Burgh where any Offence
against the Provisions of this Act is committed, or where any
Person charged with such Offence is found or brought to Trial :

20 "Procurator Fiscal" shall mean and include the Procurator Fiscal
of the Court having such Jurisdiction.

[Bill 98.]

3. Every

Parties
lodging in
Premises or
encamping
on Land
without
Permission,
guilty of an
Offence.

3. Every Person who lodges in any Premises, or occupies or encamps on any Land, being private Property, without the Consent and Permission of the Owner or legal Occupier of such Premises or Land, and every Person who encamps or lights a Fire on or near any private Road or enclosed or cultivated Land, or in or near any Plantation, without the Consent and Permission of the Owner or legal Occupier of such Road, Land, or Plantation, or on or near any Turnpike Road, Statute Labour Road, or other Highway, shall be guilty of an Offence punishable as herein-after provided. 5

Apprehen-
sion and
Punishment
of Offenders.

4. Every Person who commits any Offence against the Provisions of this Act may, if found in the Act of committing the same by any Officer of Police or Constable, be apprehended by such Officer or Constable, and detained in any Prison, Police Station, Lock-up, or other Place of safe Custody, and not later than in the course of the next lawful Day after he shall have been so taken into Custody shall be brought before a Magistrate; and every Person charged with the Commission of any such Offence may, if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, be summoned to appear before a Magistrate, and on being convicted of such Offence on his own Confession, or on the Evidence of One or more credible Witnesses, shall for a First Offence be liable to a Penalty not exceeding *Twenty Shillings*, or to Imprisonment for any Period not exceeding *Fourteen Days*, and for a Second or any subsequent Offence shall be liable to a Penalty not exceeding *Forty Shillings*, or to Imprisonment for any Period not exceeding *Twenty-one Days*. 10 15 20 25

Prosecutions
under Act.

5. Every Prosecution for an Offence against the Provisions of this Act shall be raised and proceeded in at the instance of the Procurator Fiscal, and shall be heard and determined by One or more Magistrate or Magistrates in a summary Form; and every such Prosecution shall be commenced within *One Month* after the Offence has been committed. 30

Declaratory
Enactment
as to simple
Trespass.

6. And whereas Doubts are entertained, and a varying Practice prevails, as to the Grounds on which Convictions may be had for Trespass on enclosed Land under the Laws in force at the Time of the passing of this Act, and it is expedient that such Doubts should be removed, and the Practice rendered uniform: Be it therefore enacted and declared, That in any Prosecution for Trespass on enclosed Land under the Law in force at the Time of the *passing of this Act*, it shall not be necessary to lead Evidence as to the Act of breaking through or passing over the Fences of such Land, but it shall 35 40

shall be sufficient, in order to ensure Conviction, if otherwise warranted, that the Party accused is proved to have actually been on or within such enclosed Land.

Trespass (Scotland).

A

B I L L

To provide for the better Prevention of
Trespass in Scotland.

(Prepared and brought in by
Mr. Finlay, Mr. Dunlop, and
Mr. Cumming Bruce.)

*Ordered, by The House of Commons, to be Printed,
31 March 1865.*

[Bill 98.]
Under 1 oz.

Trusts Administration (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Interpretation; Sect. 1.

Powers of Trustees under future Trust Deeds; 2.

Power to exclude Operation of Act in future Trust Deeds; 3.

Extension of Powers of Trustees for Sale; 4.

Trustees empowered to purchase Heritable Property may apply Trust Funds in Payment of Debts; 5.

Trustees may borrow Money on the Security of Heritable Property purchased under Power of Trust Deed; 6.

Receipts by Trustees; 7.

The Court may grant Authority to sell, feu, lease, or borrow Money on the Security of the Trust Estate; 8.

Powers of Trustees under existing Trust Deeds with respect to Investments; 9.

Powers of Trustees and Executors with respect to Personal Property; 10.

The Court may authorize the Advance of Part of the Capital of a Trust Fund; 11.

Discharge of Trustees resigning and Heirs of Trustees dying during the Subsistence of the Trust; 12.

Trustees may apply by Petition for Directions respecting the Administration of the Trust; 13.

Appointment of new Trustees by the Court; 14.

Powers of Trustees appointed by the Court; 15.

Completion of Title by the Beneficiary of a lapsed Trust; 16.

Completion of Title of Judicial Factor; 17.

Powers of the Court under this Act to be exercised by the Lord Ordinary; 18.

Court may pass Acts of Sederunt; 19.

Reservation of Questions under depending Actions; 20.

Short Title; 21.



A

B I L L

TO

Facilitate the Administration of Trusts, and to
regulate the Powers of Executors, in Scotland.

WHEREAS it is expedient that certain Powers and Pro-
visions which are now usually inserted in Trust Deeds
should be made incident to the Offices of Trustee and
Executor, and that greater Facilities should be given for the
Administration of Trust Estates and of Executries: Be it enacted
by the Queen's most Excellent Majesty, by and with the Advice
and Consent of the Lords Spiritual and Temporal, and Commons,
in this present Parliament assembled, and by the Authority of the
same, as follows :

Preamble.

10 1. The following Words and Expressions, when used in this Act, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context inconsistent with or repugnant to such Construction; that is to say,

Interpreta-
tion.

15 "Trust Deed" shall mean any Trust Disposition and Settlement mortis causâ, and any Marriage Contract or other Deed constituting a Family Settlement, whether mortis causâ or inter vivos;

"Existing Trust Deeds" shall mean all such Deeds as have been executed prior to the passing of this Act;

[Bill 92.]

A 2

"Future

- “Future Trust Deeds” shall mean all such Deeds executed after the passing of this Act;
- “Trust Estate” shall mean any Property, Heritable or Moveable, settled or conveyed by any Trust Deed, or under the Control or Administration of the Trustees acting under such Deed; 5
- “Heritable Property” shall mean Lands and Heritages of every Description situate in Scotland;
- “Executor” shall mean any Person holding the Office of Executor Nominate, Executor Dative, or Executor Creditor;
- “Executry” shall mean any Property falling under the Administration of such Executor; and 10
- “The Court” shall mean the Court of Session sitting in either of the Divisions thereof, or the Junior Lord Ordinary, and in Time of Vacation the Lord Ordinary officiating on the Bills.

Powers of
Trustees
under future
Trust Deeds.

2. With regard to future Trust Deeds the following Powers and Provisions shall, unless otherwise provided in such Deeds, be held as embodied therein and as belonging to the Trustees acting under the same: 15

- (1.) A Power of Sale of the Trust Estate, where the Exercise of such Power is necessary for the Purposes of the Trust, either by public Roup or private Bargain, and either in whole or in Lots, and either at One or at several Times, and under Reservation of the Minerals where deemed expedient: 20
- (2.) A Power to convert the Price of such Property, when Heritable, into a Feu Duty or Ground Annual, at such Rate and on such Conditions as may be agreed on: 25
- (3.) A Power to borrow Money on the Security of the whole or any Part of the Trust Estate for paying off Debt or otherwise fulfilling the Purposes of the Trust Deed: 30
- (4.) A power to excamb the whole or any Part of the Trust Estate, so far as Heritable, in the same Form as is usual in Cases of Excambion of Property held under strict Entail:
- (5.) A Power to grant all Deeds necessary for carrying into effect all or any of the Purposes aforesaid, containing Clauses binding the Truster and the Trust Estate in such Warrandice as the Trustees see fit, and all other usual and requisite Clauses: 35
- (6.) A power to grant Leases of Heritable Property for such Periods as may be customary, although of longer Duration than the Trust, and to remove Tenants, collect Rents, and otherwise exercise the usual Powers of a Proprietor: 40
- (7.) A Power to uplift, discharge, assign, and convey all Debts, Heritable and Moveable:

(8.) A Power

- 5 (8.) A Power to invest the Trust Funds in the Purchase of any of the Stocks, Public Funds or Government Securities of the United Kingdom, or East India Stock, or Stock of the Bank of England, or of the Debentures or Deben-
10 ture Stock of any Railway or other Joint Stock Company paying Dividends to Shareholders, or Trust incorporated by Act of Parliament in any Part of the United Kingdom, or to lend the Trust Funds on the Security of any of the aforesaid Stocks, Funds or Debentures, or on the Security
15 of Heritable Property in Scotland, and also from Time to Time, at the Discretion of the Trustees, to vary any such Investment or Loan; and the Trustees shall not incur any Responsibility for Depreciation of the Value of such Investments or Securities, provided they were
20 reasonable and proper at the Time: Provided that the Trustees shall not be held to be subject as Defendants or Respondents to the Jurisdiction of any of Her Majesty's Superior Courts of Law or Equity in England or Ireland by reason of their having invested Trust Funds as aforesaid:
- (9.) A Power to appoint Factors and Law Agents, and to pay them the usual Remuneration for the Work done by them in these several Capacities:
- 25 (10.) A Power to compromise or to submit and refer all Claims competent to or against the Trustees and the Trust Estate:
- (11.) A Power to discharge Trustees resigning or dying, or the Heirs of Trustees resigning or dying:
- (12.) A Reservation, in the Case of Trust Deeds to take effect on the Death of the Truster, of his own Liferent Use and Enjoyment of the Property conveyed:
- 30 (13.) A Power and Liberty to the Truster, at any Period of his Life, even though on Deathbed, to innovate or revoke any Trust Deed, or Part thereof, or any Codicil thereto:
- 35 (14.) A Dispensation with the Delivery of the Trust Deed, and of any Codicil thereto.

40 **3.** All or any of the Powers and Provisions by this Act declared to be made incident to the Office of a Trustee or Executor acting under future Trust Deeds may be excluded by the Truster in the Form of a Reference to this Act, or to any Section thereof or Sub-
division of a Section, containing Powers and Provisions which he wishes to exclude, distinguishing the same by its Number; and none of the Powers and Provisions by this Act conferred on Trustees or Executors acting under existing Trust Deeds shall be exercised if inconsistent with or repugnant to the Terms or Provisions of
45 such Deeds.

Power to
exclude
Operation of
Act in future
Trust Deeds.

Extension
of Powers
of Trustees
for Sale.

4. In all Cases of existing Trust Deeds where Trustees have a Power of Sale, either generally or in any particular Event, in relation to the Trust Estate, it shall be lawful for such Trustees to exercise such Power of Sale by selling such Trust Estate either by public Roup or private Bargain, and either together or in Lots, and either at One or at several Times ; and where the Estate is heritable it shall be lawful in such Sales to reserve the Minerals or to sell under Reservation of a Feu Duty or Ground Annual, at such Rate and on such Conditions as may be agreed upon. 5

Trustees em-
powered to
purchase
Heritable
Property
may apply
Trust Funds
in Payment
of Debts.

5. Trustees empowered or directed to invest any Part of the Trust Funds in the Purchase of Heritable Property may apply the whole or Part thereof in paying off or redeeming any Debt or Burden affecting Heritable Property which may be destined to the same Series of Heirs, and be subject to the same Conditions as are by the Trust Deed made applicable to the Heritable Property directed to be purchased : Provided, that in the Case of Trustees acting under existing Trust Deeds the Leave of the Court shall be first had and obtained to the Exercise of such Powers. 10 15

Trustees
may borrow
Money on
the Security
of Heritable
Property
purchased
under
Powers
of Trust
Deed.

6. Trustees empowered or directed by any Trust Deed to purchase Heritable Property for the Purpose of executing a Conveyance thereof in Terms of the Truster's Directions may, if the Funds at their Disposal are not sufficient for the Purchase of Heritable Property which is in other respects eligible, borrow such Money as may be requisite (not exceeding *One Fifth* Part of the Price thereof) on the Security of the purchased Property, and after executing such Deeds as may be necessary for constituting such Security may convey the said Property in Terms of the Trust Deed subject to such Heritable Burden : Provided, that in the Case of Trustees acting under existing Trust Deeds the Leave of the Court shall be first had and obtained to the Exercise of such Powers. 20 25 30

Receipts by
Trustees.

7. The bonâ fide Payment to and the Receipt in Writing of any Trustee, or Quorum of Trustees where there are more than One, to whom any Money shall be payable in the Execution of any Trust, or of their Factor or Agent duly authorized, shall effectually discharge the Person paying the same from seeing to the Application of or being answerable for the Loss or Misapplication of such Money. 35

The Court
may grant
Authority to
sell, feu,
lease, or
borrow
Money on
the Security
of the Trust
Estate.

8. Where Heritable Property is or shall be vested in Trustees by any existing Trust Deed, and no Provision shall have been made therein for the Sale, or the granting of Feus or Leases thereof, or for borrowing Money on the Security of such Property, the Court may, on the Petition of the Trustees, and on being satisfied that the Prayer of such Petition is not inconsistent with the 40 the

the ultimate Purposes of the Trust, and that the Authority desired is expedient in the Circumstances of the Trust, grant Authority to the Trustees to sell and dispose of all or any Part of the Property, and to convert the whole or Part of the Price into a Ground Annual, 5 or to grant Feus of all or Part of the Property for Building or other Purposes, or to grant Leases thereof for such Periods as are customary, although of longer Duration than the Trust, or to borrow Money on the Security of the Trust Estate; and the Court may authorize any Scheme for selling, feuing, or leasing the Trust Estate 10 which may be submitted to the Court under any such Petition, after Investigation in the usual Manner.

9. Trustees under any existing Trust Deed may invest the Trust Funds in the Purchase of any of the Stocks, Public Funds, or Government Securities of the United Kingdom, or Debentures or 15 Debenture Stock of any Railway Company in the United Kingdom paying Dividends to Shareholders, or may lend the same on the Security of any of the aforesaid Stocks, Funds, or Debentures, or on the Security of Heritable Property in Scotland, and may from Time to Time, at their Discretion, vary any such Investment or 20 Loan, and shall not incur any Responsibility for Depreciation in the Value of such Investments or Securities, provided they were reasonable and proper at the Time: Provided, that the Trustees shall not be held to be subject as Defendants or Respondents to the Jurisdiction of any of Her Majesty's Superior Courts of 25 Law or Equity in England or Ireland by reason of their having invested Trust Funds as aforesaid; and the Provisions of this Section shall be applicable to Executors, and also to Judicial Factors on Trust and Executry Estates.

Powers of Trustees under existing Trust Deeds with respect to Investments.

10. Where a Trust Estate or Executry consists in whole or in part 30 of Stock or Shares in a Joint Stock Company, or of Money invested on the Security of Personal Property, and it shall appear to the Trustees or Executors that the immediate Sale or Realization of such Part of the Estate would be prejudicial to the Interests of the Beneficiaries, it shall be lawful for the Trustees or Executors to 35 hold such Stock or Shares or to continue the existing Investments of the Trust Estate or Executry for any Period not exceeding *Two Years* from the passing of this Act, in the Case of Trust Deeds and Executries then in operation, and in the Case of other Trust Deeds and Executries for any Period not exceeding *Two Years* from the 40 Date when the same shall come into operation.

Powers of Trustees and Executors with respect to Personal Property.

11. The Court may from Time to Time, under such Conditions as they see fit, authorize Trustees to advance any Part of the Capital of a Fund destined, either absolutely or contingently, to

The Court may authorize the Advance of Part of the Capital of a Trust Fund.

Minor Descendants of the Truster, if it shall appear that the Income of the Fund is insufficient or not applicable to the Purpose, and that such Advance is necessary for the Maintenance or Education of such Beneficiaries, or any of them, and that it is not expressly prohibited by the Trust Deed.

5

Discharge of Trustees resigning and Heirs of Trustees dying during the Subsistence of the Trust.

12. Where a Trustee who resigns, or the Representatives of a Trustee who dies or resigns, cannot obtain a Discharge of his Acts and Intromissions from the remaining Trustees, and where the Beneficiaries of the Trust refuse, or are unable, from Absence, Incapacity or otherwise, to grant a Discharge, such Discharge may be granted by the Court, and the Expenses of the Petition for Discharge and consequent Procedure shall be in the Discretion of the Court.

10

Trustees may apply by Petition for Directions respecting the Administration of the Trust.

13. Application may be made by Petition, without the Necessity of Intimation to or Service on any Party, except in the Discretion of the Court, at the Instance of Trustees or Executors, for the Opinion, Advice or Direction of either Division of the Court, on any Question respecting the Powers, Management, or Administration of the Trust Estate or Executry; and Trustees or Executors acting on such Opinion, Advice or Direction obtained upon an Application fairly disclosing the Circumstances material for the Consideration of the Court, shall be held, so far as regards their own personal Responsibility, to have discharged their Duty as Trustees in the Subject Matter of the said Application, and the Expense of such Application shall be in the Discretion of the Court.

25

Appointment of new Trustees by the Court.

14. Where Trustees cannot, or cannot with Convenience, be appointed by Assumption, and an Appointment of Trustees is expedient, the Court may, upon the Application of any Party having Interest, appoint a Trustee or Trustees upon any Estate requiring to be administered as a Trust Estate, to act either by himself or themselves, or in conjunction with the Trustees already in the Exercise of the Office, and either with the Powers or Immunities of the Deed by which the Purposes of the Trust are declared, or with the Powers or Immunities by this Act declared to be incident to the Office of Trustee, or any of them, or with such other Powers as may be lawfully conferred; and such Application may contain a Prayer for a Warrant to complete a Title to any Heritable Property forming Part of the Trust Estate in favour of the Trustee or Trustees so appointed in like Manner and to the same Effect as a Warrant in favour of a Judicial Factor granted under the Authority of the Thirty-eighth Section of "The Titles to Land (Scotland) Act, 1860."

40

15. Trustees appointed by the Court shall not have the Power of assuming new Trustees, unless such Power is expressly conferred upon them by the Court; and such Trustees may apply for special Powers, or for the Opinion, Advice, and Direction of the Court, by lodging a Note in the Process of Appointment, which shall be intimated to the Parties interested, or to such Parties as the Court may direct.

Powers of Trustees appointed by the Court.

16. Where any Person shall be entitled to the Possession for his own absolute Use of any Heritable or Moveable Property which has been conveyed to or vested in or the Title to which has been taken in the Name of any Trustee or Executor or other Person who has died or become incapable of acting without having executed a Re-conveyance of the Property, then and in all such Cases, in lieu of an Application to the Court for the Appointment of a Judicial Factor, and thereafter for Authority to such Factor to make up Titles in his Name, it shall be lawful for the Person beneficially entitled to such Property to apply by Petition to the Court for Authority to complete a Title to such Property in his own Name, and such Petition shall specify and describe the Heritable Property, and refer to an Inventory in which the Moveable Property is specified, to which such Title is to be completed; and if, after Intimation and Inquiry (if Inquiry is requisite), the Court shall be satisfied that the Prayer of the Petition may be granted, it shall be lawful for the Court to grant a Warrant for completing such Title as aforesaid, which Warrant shall specify and describe the Heritable Property to which it is applicable, and shall also specify the Moveable Property or shall bear Reference to any Inventory appended to the Petition in which such Moveable Property is specified; and such Warrant shall be effectual as a Conveyance of such Heritable Property in favour of the Petitioner in like Manner and to the same Effect as a Warrant in favour of a Judicial Factor granted under the Authority of the Thirty-eighth Section of "The Titles to Land (Scotland) Act, 1860," and shall also be effectual as an Assignment of such Moveable Property in favour of the Petitioner.

Completion of Title by the Beneficiary of a lapsed Trust.

17. Application for Authority to complete the Title of a Judicial Factor to any Trust Property or Estate under the Thirty-eighth Section of "The Titles to Land (Scotland) Act, 1860," may be contained in the Petition for the Appointment of such Factor; and such Application may include Moveable Property, and the Warrant to be granted in pursuance thereof shall, in so far as regards Heritable Property, be effectual as a Conveyance in manner specified in the said Act and in the preceding Section of this Act.

Completion of Title of Judicial Factor.

Powers of
the Court
under this
Act to be
exercised by
the Lord
Ordinary.

20 & 21 Vict.
c. 56.

Court may
pass Acts of
Sederunt.

Reservation
of Questions
under de-
pending
Actions.

Short Title.

18. Applications to the Court under the Authority of this Act, (except Applications for the Opinion, Advice, or Direction of either Division of the Court,) shall be by Petition, and shall be brought in the first instance before One of the Lords Ordinary officiating in the Outer House, who may direct such Intimation and Service thereof, and such Investigation or Inquiry (if Inquiry be necessary), as he shall think fit, and the Powers of the Lord Ordinary before whom the Petition is enrolled may be exercised by the Lord Ordinary on the Bills during Vacation; and all such Petitions shall, as respects Procedure and Review, be subject to the same Rules and Regulations as are enacted with respect to Petitions coming before the Junior Lord Ordinary in virtue of the Public Act Twentieth and Twenty-first Victoria, Chapter Fifty-six: Provided that where, in the Exercise of the Powers pertaining to the Court of appointing Trustees and regulating Trusts, it shall be necessary to settle a Scheme for the Administration of any charitable or other permanent Endowment, the Lord Ordinary shall, after preparing such Scheme, report to One of the Divisions of the Court, by whom the same shall be finally adjusted and settled; and in all Cases where it shall be necessary to settle any such Scheme, Intimation shall be made to Her Majesty's Advocate with a view to his Appearance for the Public Interest.

19. The Court shall be and is hereby empowered from Time to Time from and after the *passing of this Act* to make such Regulations by Act or Acts of Sederunt as may be requisite for carrying into effect the Purposes of this Act: Provided, that within *Fourteen Days* from the Commencement of every future Session of Parliament there shall be laid before both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers of this Act.

20. Nothing in this Act contained shall be construed as innovating or revoking any express Powers or Directions given to Trustees acting under any existing Trust Deed, or shall affect the Decision of any Question which may, at the *passing of this Act*, be the Subject of a depending Action.

21. This Act may be cited for all Purposes as "The Administration of Trusts (Scotland) Act, 1865."

Trusts Administration (Scotland).

A

B I L L

To facilitate the Administration of
Trusts, and to regulate the Powers of
Executors, in Scotland.

*(Prepared and brought in by
The Lord Advocate, Sir George Grey, and
Sir William Dunbar.*

*Ordered, by The House of Commons, to be Printed,
24 March 1865.*

[Bill 92.]

Under 2 oz.

Trusts Administration (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.

Interpretation; Sect. 1.

Powers of Trustees under future Trust Deeds; 2.

Power to exclude Operation of Act in future Trust Deeds; 3.

Extension of Powers of Trustees for Sale; 4.

Trustees empowered to purchase Heritable Property may apply Trust Funds in Payment of Debts; 5.

Trustees may borrow Money on the Security of Heritable Property purchased under Power of Trust Deed; 6.

Receipts by Trustees; 7.

The Court may grant Authority to sell, feu, lease, or borrow Money on the Security of the Trust Estate; 8.

Powers of Trustees under existing Trust Deeds with respect to Investments; 9.

CLAUSE A.—Powers of Investment in Trust Deeds not to be restricted; 10.

Powers of Trustees and Executors with respect to Personal Property; 11.

The Court may authorize the Advance of Part of the Capital of a Trust Fund; 12.

Discharge of Trustees resigning and Heirs of Trustees dying during the Subsistence of the Trust; 13.

Trustees may apply by Petition for Directions respecting the Administration of the Trust; 14.

CLAUSE B.—Form of Resignation of Trustees; 15.

CLAUSE C.—Appointment of new or additional Trustees by Deed of Assumption; 16.

Appointment of new Trustees by the Court; 17.

Powers of Trustees appointed by the Court; 18.

Completion of Title by the Beneficiary of a lapsed Trust; 19.

Completion of Title of Judicial Factor; 20.

[Bill 158.]

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Powers of the Court, under this Act to be exercised by the Lord Ordinary; 21.

Court may pass Acts of Sederunt; 22.

Reservation of Powers in Trust Deeds and Questions under depending Actions; 23.

Short Title; 24.

SCHEDULES.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Facilitate the Administration of Trusts, and to regulate the Powers of Executors, in Scotland.

WHEREAS it is expedient that certain Powers and Provisions which are now usually inserted in Trust Deeds should be made incident to the Offices of Trustee and Executor, and that greater Facilities should be given for the Administration of Trust Estates and of Executries: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

10 **1.** The following Words and Expressions, when used in this Act, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context inconsistent with or repugnant to such Construction; that is to say, Interpretation.

15 "Trust Deed" shall mean any Trust Disposition and Settlement mortis causâ, and any Marriage Contract or other Deed constituting a Family Settlement, whether mortis causâ or inter vivos;

"Existing Trust Deeds" shall mean all such Deeds as have been executed prior to the passing of this Act;

20 "Future Trust Deeds" shall mean all such Deeds executed after the passing of this Act;

[Bill 158.]

A

"Trust

- “Trust Estate” shall mean any Property, Heritable or Moveable, Real or Personal, settled or conveyed by any Trust Deed, or under the Control or Administration of the Trustees acting under such Deed;
- “Heritable Property” shall mean Lands and Heritages of every Description situate in Scotland;
- “Personal Property” shall mean Moveable Property and Personal Estate of every Description in the United Kingdom or elsewhere;
- “Executor” shall mean any Person holding the Office of Executor Nominate, Executor Dative, or Executor Creditor;
- “Executry” shall mean any Property falling under the Administration of such Executor; and
- “The Court” shall mean the Court of Session sitting in either of the Divisions thereof, or the Junior Lord Ordinary, and in Time of Vacation the Lord Ordinary officiating on the Bills.

Powers of
Trustees
under future
Trust Deeds.

2. With regard to future Trust Deeds the following Powers and Provisions shall, unless otherwise provided in such Deeds, be held as embodied therein and as belonging to the Trustees acting under the same :

- (1.) A Power of Sale of the Trust Estate, where the Exercise of such Power is necessary for the Purposes of the Trust, either by public Roup or private Bargain, and either in whole or in Lots, and either at One or at several Times, and under Reservation of the Minerals where deemed expedient : 25
- (2.) A Power to convert the Price of such Property, when Heritable, into a Feu Duty or Ground Annual, at such Rate and on such Conditions as may be agreed on :
- (3.) A Power to borrow Money on the Security of the whole or any Part of the Trust Estate for paying off Debt or otherwise fulfilling the Purposes of the Trust Deed : 30
- (4.) A Power to excamb the whole or any Part of the Trust Estate, so far as Heritable :
- (5.) A Power to grant Leases of Heritable Property for such Periods as may be customary, although of longer Duration than the Trust, and to remove Tenants, collect Rents, and otherwise exercise the usual Powers of a Proprietor : 35
- (6.) A Power to uplift, discharge, assign, and convey all Debts, Heritable and Moveable : 40
- (7.) A Power to invest the Trust Funds in the Purchase of any of the Stocks, Public Funds or Government Securities of the United Kingdom, or East India Stock, or Stock of the Bank of England, or of the Debentures or Debenture Stock of any Railway or other Joint Stock Company 45
incor-

incorporated by Act of Parliament, and paying Dividends to Ordinary Shareholders, or Trust incorporated by Act of Parliament in any Part of the United Kingdom, or to lend the Trust Funds on the Security of any of the aforesaid Stocks, Funds or Debentures, or on the Security of Heritable Property in Scotland, and also from Time to Time, at the Discretion of the Trustees, to vary any such Investment or Loan; and the Trustees shall not incur any Responsibility for Depreciation of the Value of such Investments or Securities, provided they were reasonable and proper at the Time: Provided that the Trustees shall not be held to be subject as Defendants or Respondents to the Jurisdiction of any of Her Majesty's Superior Courts of Law or Equity in England or Ireland by reason of their having invested Trust Funds as aforesaid:

- (8.) A Power to appoint Factors and Law Agents, and to pay them the usual Remuneration for the Work done by them in these several Capacities:
- (9.) A Power to compromise or to submit and refer all Claims competent to or against the Trustees and the Trust Estate:
- (10.) A Power to discharge Trustees resigning or dying, or the Heirs of Trustees resigning or dying:
- (11.) A Power to grant all Deeds necessary for carrying into effect all or any of the Purposes aforesaid, containing Clauses binding the Truster and the Trust Estate in such Warrandice as the Trustees see fit, and all other usual and requisite Clauses:
- (12.) A Reservation, in the Case of Trust Deeds to take effect on the Death of the Truster, of his own Liferent Use and Enjoyment of the Property conveyed:
- (13.) A Power and Liberty to the Truster, at any Period of his Life, even though on Deathbed, to innovate or revoke any Trust Deed, or Part thereof, or any Codicil thereto:
- (14.) A Dispensation with the Delivery of the Trust Deed, and of any Codicil thereto.

3. All or any of the Powers and Provisions by this Act declared to be made incident to the Office of a Trustee or Executor acting under future Trust Deeds may be excluded by the Truster in the Form of a Reference to this Act, or to any Section thereof or Sub-division of a Section, containing Powers and Provisions which he wishes to exclude, distinguishing the same by its Number; and none of the Powers and Provisions by this Act conferred on Trustees or Executors acting under existing Trust Deeds shall be exercised if inconsistent with or repugnant to the Terms or Provisions of such Deeds.

Power to
exclude
Operation of
Act in future
Trust Deeds.

Extension
of Powers
of Trustees
for Sale.

4. In all Cases of existing Trust Deeds where Trustees have a Power of Sale, either generally or in any particular Event, in relation to the Trust Estate, it shall be lawful for such Trustees to exercise such Power of Sale by selling such Trust Estate either by public Roup or private Bargain, and either together or in Lots, and 5 either at One or at several Times ; and where the Estate is heritable it shall be lawful in such Sales to reserve the Minerals or to sell under Reservation of a Feu Duty or Ground Annual, at such Rate and on such Conditions as may be agreed upon.

Trustees em-
powered to
purchase
Heritable
Property
may apply
Trust Funds
in Payment
of Debts.

5. Trustees empowered or directed to invest any Part of the 10 Trust Funds in the Purchase of Heritable Property may apply the whole or Part thereof in paying off or redeeming any Debt or Burden affecting Heritable Property which may be destined to the same Series of Heirs, and be subject to the same Conditions as are by the Trust Deed made applicable to the Heritable Property directed 15 to be purchased : Provided, that in the Case of Trustees acting under existing Trust Deeds the Leave of the Court shall be first had and obtained to the Exercise of such Powers.

Trustees
may borrow
Money on
the Security
of Heritable
Property
purchased
under
Powers
of Trust
Deed.

6. Trustees empowered or directed by any Trust Deed to purchase Heritable Property for the Purpose of executing a Conveyance 20 thereof in Terms of the Truster's Directions may, if the Funds at their Disposal are not sufficient for the Purchase of Heritable Property which is in other respects eligible, borrow such Money as may be requisite (not exceeding One Fifth Part of the Price thereof) on the Security of the purchased Property, and after 25 executing such Deeds as may be necessary for constituting such Security may convey the said Property in Terms of the Trust Deed subject to such Heritable Burden : Provided, that in the Case of Trustees acting under existing Trust Deeds the Leave of the Court shall be first had and obtained to the Exercise of such Powers. 30

Receipts by
Trustees.

7. The bonâ fide Payment to and the Receipt in Writing of any Trustee, or Quorum of Trustees where there are more than One, to whom any Money shall be payable in the Execution of any Trust, or of their Factor or Agent duly authorized, shall effectually discharge the Person paying the same from seeing to the Appli- 35 cation of or being answerable for the Loss or Misapplication of such Money.

The Court
may grant
Authority to
sell, feu,
lease, or
borrow
Money on
the Security
of the Trust
Estate.

8. Where Heritable Property is or shall be vested in Trustees by any existing Trust Deed, or any future Trust Deed, and no Provision shall have been made therein for the Sale, or the granting 40 of Feus or Leases thereof, or for borrowing Money on the Security of such Property, the Court may, on the Petition of the Trustees, and on being satisfied that the Prayer of such Petition is not inconsistent

inconsistent with the ultimate Purposes of the Trust, and that the Authority desired is expedient in the Circumstances of the Trust, grant Authority to the Trustees to sell and dispose of all or any Part of the Property, and to convert the whole or Part of the Price
 5 into a Ground Annual or Feu Duty, or to grant Feus of all or Part of the Property for Building or other Purposes, or to grant Leases thereof for such Periods as are customary, although of longer Duration than the Trust, or to borrow Money on the Security of the Trust Estate; and the Court may authorize any Scheme for
 10 selling, feuing, or leasing the Trust Estate which may be submitted to the Court under any such Petition, after Investigation in the usual Manner.

9. Trustees under any existing Trust Deed may, unless otherwise provided in such Trust Deed, invest the Trust Funds in the
 15 Purchase of any of the Stocks, Public Funds, or Government Securities of the United Kingdom, or East India Stock, or Stock of the Bank of England, or of Debentures or Debenture Stock of any Railway Company or other Joint Stock Company incorporated by Act of Parliament, and paying Dividends to Ordinary Share-
 20 holders, or Trust incorporated by Act of Parliament in any Part of the United Kingdom, or may lend the Trust Funds on the Security of any of the aforesaid Stocks, Funds, or Debentures, or on the Security of Heritable Property in Scotland, and may from Time to Time, at their Discretion, vary any such Investment or Loan,
 25 and the Trustees shall not incur any Responsibility for Depreciation of the Value of such Investments or Securities, provided they were reasonable and proper at the Time: Provided that the Trustees shall not be held to be subject as Defendants or Respondents to the Jurisdiction of any of Her Majesty's Superior Courts of
 30 Law or Equity in England or Ireland by reason of their having invested Trust Funds as aforesaid; and the Provisions of this Section shall be applicable to Executors, and also to Judicial Factors on Trust and Executry Estates.

Powers of Trustees under existing Trust Deeds with respect to Investments.

10. The Powers of Investment of Trust Funds conferred by this
 35 Act with respect to Trustees under existing Trust Deeds and future Trust Deeds respectively shall not be held or construed as restricting or controlling any Powers of Investment of Trust Funds expressly contained in any such Trust Deed.

CLAUSE A.
 Powers of Investment in Trust Deeds not to be restricted.

11. Where a Trust Estate or Executry consists in whole or in part
 40 of Stock or Shares in a Joint Stock Company, or of Money invested on the Security of Personal Property, and it shall appear to the Trustees or Executors that the immediate Sale or Realization of
 [158.] A 3 such Property.

Powers of Trustees and Executors with respect to Personal Property.

such Part of the Estate would be prejudicial to the Interests of the Beneficiaries, it shall be lawful for the Trustees or Executors to hold such Stock or Shares or to continue the existing Investments of the Trust Estate or Executry for any Period not exceeding Two Years from the passing of this Act, in the Case of Trust Deeds and 5 Executries then in operation, and in the Case of other Trust Deeds and Executries for any Period not exceeding Two Years from the Date when the same shall come into operation.

The Court may authorize the Advance of Part of the Capital of a Trust Fund.

12. The Court may from Time to Time, under such Conditions as they see fit, authorize Trustees to advance any Part of the 10 Capital of a Fund destined, either absolutely or contingently, to Minor Descendants of the Truster, being Beneficiaries having a vested Interest in such Fund, if it shall appear that the Income of the Fund is insufficient or not applicable to the Purpose, and that such Advance is necessary for the Maintenance or Education 15 of such Beneficiaries, or any of them, and that it is not expressly prohibited by the Trust Deed.

Discharge of Trustees resigning and Heirs of Trustees dying during the Subsistence of the Trust.

13. Where a Trustee who resigns, or the Representatives of a Trustee who dies or resigns, cannot obtain a Discharge of his Acts and Intromissions from the remaining Trustees, and where the 20 Beneficiaries of the Trust refuse, or are unable, from Absence, Incapacity or otherwise, to grant a Discharge, such Discharge may be granted by the Court, and the Expenses of the Petition for Discharge and consequent Procedure shall be in the Discretion of the Court. 25

Trustees may apply by Petition for Directions respecting the Administration of the Trust.

14. Application may be made by Petition, without the Necessity of Intimation to or Service on any Party, except in the Discretion of the Court, at the Instance of Trustees or Executors, for the Opinion, Advice or Direction of either Division of the Court, on any Question respecting the Powers, Management, or Administration 30 of the Trust Estate or Executry; and Trustees or Executors acting on such Opinion, Advice or Direction obtained upon an Application fairly disclosing the Circumstances material for the Consideration of the Court, shall be held, so far as regards their own personal Responsibility, to have discharged their Duty as Trustees in 35 the Subject Matter of the said Application, and the Expense of such Application shall be in the Discretion of the Court.

CLAUSE B.
Form of Resignation of Trustees.

15. Any Trustee acting under any existing Trust Deed or future Trust Deed may resign his Office of Trustee under such Trust Deed by signing a Minute of Resignation, in the Form of the Schedule (A.) 40 to this Act annexed, or to the like Effect; and the Date of such Minute

Minute of Resignation shall be held to be the Date at which the Trustee signing the same ceased to be a Trustee under such Trust Deed.

CLAUSE C.
Appoint-
ment of new
or additional
Trustees by
Deed of
Assumption.

16. Any new or additional Trustees may be assumed under any
5 existing Trust Deed or future Trust Deed by a Deed of Assumption
executed by the Trustee or Trustees acting under such Trust Deed,
or by a Quorum of such Trustees, if more than Two, in the Form of
the Schedule (B.) to this Act annexed, or to the like Effect; and
the Trustees so assumed shall have and be subject to all the Powers,
10 Immunities, and Obligations conferred or imposed on or competent
to the Trustees appointed by such Trust Deed; and a Deed of
Assumption so executed shall, when recorded in the Register of
Sasines, be effectual as a Conveyance of the Heritable Property
belonging to the Trust Estate, in favour of the Trustees so to be
15 assumed, in the same Manner as if they had been originally named
in such Trust Deed, and a feudal Title had been completed in their
Persons as Trustees under such Trust Deed, and such Deed of
Assumption shall also be effectual as an Assignment in their Favour
of the whole Personal Property belonging to the Trust Estate; and
20 in the event of any Trustee acting under any existing Trust Deed
or future Trust Deed becoming insane, or incapable of acting by
reason of physical or mental Disability, such Deed of Assumption
may be executed by the remaining Trustee or Trustees acting under
such Trust Deed, and when so executed and recorded as aforesaid
25 shall be effectual as a Conveyance of the Heritable Property, and
as an Assignment of the Personal Property belonging to the Trust
Estate, as herein-before provided.

17. Where Trustees cannot, or cannot with Convenience, be
assumed under any existing Trust Deed or future Trust Deed, or
30 where any Person who is the sole Trustee acting under any such
Trust Deed has become insane, or incapable of acting by reason of
physical or mental Disability, and an Appointment of Trustees is
expedient, the Court may, upon the Application of any Party
having Interest in the Trust Estate, appoint a Trustee or Trustees
35 under such Trust Deed, to act either by himself or themselves, or in
conjunction with the Trustees already in the Exercise of the Office,
with the Powers or Immunities of such Trust Deed, and the Powers
or Immunities by this Act declared to be incident to the Office
of Trustee, or any of them, or with such other Powers as may be
40 lawfully conferred, and on such Appointment being made in the
Case of any Person becoming insane or incapable of acting as afore-
said such Person shall cease to be a Trustee under such Trust Deed,
and the Court may on such Application grant a Warrant to com-
plete a Title to any Heritable Property forming Part of the Trust

Appoint-
ment of new
Trustees by
the Court.

Estate, in favour of the Trustee or Trustees so appointed, which Warrant shall specify and describe the Heritable Property to which it is applicable, and shall also specify the Personal Property, or bear Reference to an Inventory appended to the Petition to the Court in which such Personal Property is specified; and such Warrant shall 5 be effectual as a Conveyance of such Heritable Property in favour of the Trustee or Trustees so appointed, in like Manner and to the same Effect as a Warrant in favour of a Judicial Factor granted under the Authority of the Thirty-eighth Section of "The Titles to Land (Scotland) Act, 1860," and shall also be effectual as an 10 Assignment of such Personal Property in favour of the Trustee or Trustees so appointed.

Powers
of Trustees
appointed by
the Court.

18. Trustees appointed by the Court shall not have the Power of assuming new Trustees, unless such Power is expressly conferred upon them by the Court; and such Trustees may apply 15 for special Powers, or for the Opinion, Advice, and Direction of the Court, by lodging a Note in the Process of Appointment, which shall be intimated to the Parties interested, or to such Parties as the Court may direct.

Completion
of Title by
the Bene-
ficiary of a
lapsed Trust.

19. Where any Person shall be entitled to the Possession for his 20 own absolute Use of any Heritable Property or Personal Property which has been conveyed to or vested in or the Title to which has been taken in the Name of any Trustee or Executor or other Person who has died or become incapable of acting without having executed a Conveyance of such Property, then and in all such Cases, in lieu 25 of an Application to the Court for the Appointment of a Judicial Factor, and thereafter for Authority to such Factor to make up Titles in his Name, it shall be lawful for the Person beneficially entitled to such Property to apply by Petition to the Court for Authority to complete a Title to such Property in his own Name, 30 and such Petition shall specify and describe the Heritable Property, and refer to an Inventory in which the Personal Property is specified, to which such Title is to be completed; and if, after Intimation and Inquiry (if Inquiry is requisite), the Court shall be satisfied that the Prayer of the Petition may be granted, it shall be lawful 35 for the Court to grant a Warrant for completing such Title as aforesaid, which Warrant shall specify and describe the Heritable Property to which it is applicable, and shall also specify the Personal Property, or shall bear Reference to an Inventory appended to the Petition in which such Personal Property is specified; 40 and such Warrant shall be effectual as a Conveyance of such Heritable Property in favour of the Petitioner in like Manner and to the same Effect as a Warrant in favour of a Judicial Factor granted

granted under the Authority of the Thirty-eighth Section of "The Titles to Land (Scotland) Act, 1860," and shall also be effectual as an Assignment of such Personal Property in favour of the Petitioner.

- 5 **20.** Application for Authority to complete the Title of a Judicial Factor to any Trust Property or Estate under the Thirty-eighth Section of "The Titles to Land (Scotland) Act, 1860," may be contained in the Petition for the Appointment of such Factor; and such Application may include Personal Property, and the Warrant to be
10 granted in pursuance thereof shall, in so far as regards Heritable Property, be effectual as a Conveyance in manner specified in the said Act and in the preceding Section of this Act.

Completion of Title of Judicial Factor.

- 15 **21.** Applications to the Court under the Authority of this Act, (except Applications for the Opinion, Advice, or Direction of either Division of the Court,) shall be by Petition, and shall be brought in the first instance before One of the Lords Ordinary officiating in the Outer House, who may direct such Intimation and Service thereof, and such Investigation or Inquiry (if Inquiry be necessary), as he shall think fit, and the Powers of the Lord Ordinary
20 before whom the Petition is enrolled may be exercised by the Lord Ordinary on the Bills during Vacation; and all such Petitions shall, as respects Procedure and Review, be subject to the same Rules and Regulations as are enacted with respect to Petitions coming before the Junior Lord Ordinary in virtue of the Public Act
25 Twentieth and Twenty-first Victoria, Chapter Fifty-six: Provided that where, in the Exercise of the Powers pertaining to the Court of appointing Trustees and regulating Trusts, it shall be necessary to settle a Scheme for the Administration of any charitable or other permanent Endowment, the Lord Ordinary shall, after preparing
30 such Scheme, report to One of the Divisions of the Court, by whom the same shall be finally adjusted and settled; and in all Cases where it shall be necessary to settle any such Scheme, Intimation shall be made to Her Majesty's Advocate with a view to his Appearance for the Public Interest.

Powers of the Court under this Act to be exercised by the Lord Ordinary.

20 & 21 Vict. c. 56.

- 35 **22.** The Court shall be and is hereby empowered from Time to Time from and after the passing of this Act to make such Regulations by Act or Acts of Sederunt as may be requisite for carrying into effect the Purposes of this Act: Provided that within Fourteen Days from the Commencement of every future Session of Parliament there shall be laid before both Houses of Parliament Copies
40 of all Acts of Sederunt made and passed under the Powers of this Act.

Court may pass Acts of Sederunt.

Reservation
of Powers
in Trust
Deeds and
Questions
under de-
pending
Actions.

Short Title.

23. Nothing in this Act contained shall be construed as innovating, revoking, or restricting any express Powers or Directions given to Trustees acting under any existing Trust Deed or future Trust Deed, or shall affect the Decision of any Question which may at the passing of this Act be the Subject of a depending Action. 5

24. This Act may be cited for all Purposes as "The Trustee (Scotland) Act, 1865."

SCHEDULES.

SCHEDULE (A.)

FORM OF MINUTE OF RESIGNATION.

I *A.B.* do hereby resign the Office of Trustee under the Trust
 5 Disposition and Settlement (*or other Deed*) granted by *C.D.* in
 favour of *E.F.*, *G.H.*, and myself, dated the Day
 of , and recorded in the Books of Council and Session
 (*or other Register*) the Day of . [*If the*
Trustee was assumed add, and to which Office of Trustee I was
 10 *assumed by Deed of Assumption, granted by the said E.F. and*
G.H., dated the Day of .] In witness
 whereof [*Testing Clause in the usual Form*].

SCHEDULE (B.)

FORM OF DEED OF ASSUMPTION.

15 I *A.B.* [*or we A.B. and C.D.*], the accepting and surviving
 [*or remaining*] Trustee [*or Trustees, or a Majority and Quorum of*
 the accepting and surviving Trustees] acting under a Trust Dis-
 position or Deed of Settlement (*or other Deed*) granted by *E.F.* in
 favour of , dated the Day of
 20 [*if recorded, specify Register and Date of recording*], do hereby
 assume *G.H.* [*or G.H. and I.K.*] as a Trustee [*or Trustees*] under
 the said Trust Disposition and Settlement (*or other Deed*); and I
 [*or we*] dispoⁿe and convey to myself [*or ourselves*] and the said
G.H. [*or G.H. and I.K.*] as Trustees under the said Trust Dis-
 25 position and Settlement (*or other Deed*), and the Survivors or
 Survivor, and the Heirs of the last Survivor, the Majority, while
 more than Two are acting, being a Quorum, all and whole [*Insert*
Description of Heritable Property belonging to the Trust Estate as
in Title Deeds, or by Reference to a recorded Deed, and the usual
 30 *Clauses of a Conveyance*]. And I [*or we*] assign to myself [*or*
 ourselves] and the said *G.H.* [*or G.H. and I.K.*] as Trustees
 foresaid, and their foresaids, the whole Moveable or Personal
 Property belonging to the said Trust Estate, as specified in the
 Inventory hereunto annexed, and signed by us as relative hereto.
 35 And we consent to Registration hereof for Preservation, and also in
 the General or Particular Register of Sasines for Publication. In
 witness whereof [*Testing Clause in the usual Form*].

Trusts Administration (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To facilitate the Administration of
Trusts, and to regulate the Powers of
Executors, in Scotland.

(Prepared and brought in by
The Lord Advocate, Sir George Grey, and
Sir William Dunbar.)

Ordered, by The House of Commons, to be Printed,
18 May 1865.

[Bill 158.]

Under 2 oz.



A

B I L L

TO

Continue certain Turnpike Acts in Great Britain.

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of November One thousand eight hundred and sixty-six, and no longer, unless Parliament in the meantime continues the same; but every other Act now in force for regulating, making, amending, or repairing any Turnpike Road in Great Britain which will expire at or before the End of the next Session of Parliament shall continue in force until the First Day of November One thousand eight hundred and sixty-six and to the End of the then next Session of Parliament, except an Act of the Seventh Year of King George the Fourth, Chapter Eighty-five, "for repairing the Roads from Spalding High Bridge to the Market Place in Donington, and from the Tenth Milestone in the Parish of Gosbertown to the Eighth Milestone in the Parish of Wigtoft in the County of Lincoln;" an Act of the same Year, Chapter [Bill 227.]

Continuance of Acts, except
7 G. 4.
c. lxxxv.
7 G. 4.
c. cxxv.
7 & 8 G. 4.
c. vii.
9 G. 4.
c. cviii.
1 W. 4. c. viii.
3 W. 4. c. liii.
3 W. 4. c. lxi.
3 & 4 W. 4.
c. c.
2 Vict. c. xiv.
5 Vict. c. xlv.
6 & 7 Vict.
c. cviii.
13 & 14 Vict.
c. lxxxv.

A

One

One hundred and twenty-five, "for more effectually repairing and
 " improving certain Roads in the Counties of Kent and Surrey,
 " commonly called 'The New Cross Turnpike Roads';" an Act of
 the Seventh and Eighth Years of King George the Fourth, Chapter
 Seven, "for more effectually repairing and improving the Roads 5
 " from the North-west Parts of the County of Lincoln, through
 " Nettleham Fields, Wragby Lane, and Baumber Fields, to the
 " North-east Part of the said County, and other Roads therein
 " described in the said County and in the City of Lincoln;" an Act
 of the Ninth Year of King George the Fourth, Chapter One hundred 10
 and eight, "for repairing, improving, and maintaining in repair the
 " Turnpike Roads from Wat's Cross to Cowden, and from Sevenoaks
 " Common to Crockhurst Hatch Corner, and from Penshurst Town
 " to Southborough, in the County of Kent;" an Act of the First 15
 Year of King William the Fourth, Chapter Eight, "for repairing
 " the Road leading from Dartford to Sevenoaks in the County of
 " Kent;" an Act of the Third Year of King William the Fourth,
 Chapter Fifty-three, "for repairing and maintaining the Road from
 " Stone Street Hatch at Ockley in the County of Surrey to Warnham
 " in the County of Sussex;" an Act of the same Year, Chapter 20
 Sixty-one, "for repairing and improving the Road between the
 " Towns of Ross and Abergavenny, by Broad Oak and Skenfrith,
 " and certain Roads connected therewith leading to Grosmont and
 " other Places, and for making and maintaining certain Branches
 " of Road to communicate therewith, all in the Counties of Here- 25
 " ford and Monmouth;" an Act of the Third and Fourth Years of
 King William the Fourth, Chapter One hundred, "for continuing
 " certain Powers to the Trustees of the Road from Kentish Town to
 " Upper Holloway in the County of Middlesex;" an Act of the
 Second Year of Her present Majesty, Chapter Fourteen, "to extend, 30
 " alter, and amend the Powers and Provisions of an Act passed in
 " the Seventh Year of the Reign of His late Majesty King George
 " the Fourth, relating to the New Cross Turnpike Roads in the
 " Counties of Kent and Surrey;" an Act of the Fifth Year of Her
 present Majesty, Chapter Forty-five, "to alter some of the Pro- 35
 " visions of an Act passed in the Seventh Year of the Reign of King
 " George the Fourth, relating to the New Cross Turnpike Roads in
 " the Counties of Kent and Surrey;" an Act of the Sixth and
 Seventh Years of Her present Majesty, Chapter One hundred and
 eight, "for more effectually repairing certain Roads in the Parishes 40
 " of Bermondsey, Rotherhithe, and Saint Paul and Saint Nicholas
 " Deptford, and for making several new Roads connected therewith,
 " all in the Counties of Surrey and Kent;" and an Act of the
 Thirteenth and Fourteenth Years of Her present Majesty, Chapter
 Eighty-five, "for repairing the Road leading from a certain Point 45
 in

“ in the Kennington Road in the Parish of Saint Mary Lambeth
 “ in the County of Surrey to Highgate in the County of Sussex,
 “ and thence to Witchcross in the same County, and several other
 “ Roads therein mentioned.”

- 5 **2.** The Sections relating to Encroachments on Turnpike Roads contained in the Act of the Third Year of King George the Fourth, Chapter One hundred and Twenty-six, and numbered respectively One hundred and eighteen and One hundred and twenty-four, shall continue in force in relation to any Road which, having been a
 15 Turnpike Road, may, at any Time after the passing of this Act, become an ordinary Highway, in the same Manner as if such Road had continued to be a Turnpike Road ; and in the Construction of the said Section the Highway Board shall be deemed to be the Trustees or Commissioners where the Road is within the Jurisdic-
 20 tion of a Highway Board, and in other Cases the Surveyor or other local Authority having the Care of the Road shall be deemed to be such Trustees or Commissioners.

Application of 3 Geo. 4. ss. 118. and 124. to Turnpike Roads that have become ordinary Highways.

- 3.** It shall be the Duty of the Trustees or Commissioners of a Turnpike Road that it is about to become or has become an ordinary
 25 Highway to hold such Meetings as may be necessary for the complete winding-up of the Affairs of their Trust or Commission, and any such Meeting shall be legal if held at any Time within Two Months after the Time limited for the Expiration of their Trust or Commission.
- 30 **4.** This Act may be cited for all Purposes as “ The Annual Short Title Turnpike Acts Continuance Act, 1865.”

Meetings of Trustees or Commissioners.

SCHEDULE.

- 53 G. 3. c. xli. An Act for more effectually repairing the Road from the Horseshoe Corner in Godmanchester in the County of Huntingdon to the South-east End of Castle Street in the Town of Cambridge in the County of Cambridge.
- 54 G. 3. c. lxxxv. An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from the End of the Turnpike Road from Besselsleigh to Hungerford in the County of Berks, to Leckford, otherwise Sousley Water, in the County of Wilts. 5
- 55 G. 3. c. xc. An Act for continuing and amending an Act of His present Majesty, for repairing several Roads leading from Shenfield to Harwich and Rochford and other Places in the County of Essex, and for extending the said Act to the Road from Great Hallingbury to Hockerill in the County of Hertford. 10
- 59 G. 3. c. cxxii. An Act to continue the Term and alter and enlarge the Powers of an Act of His present Majesty's Reign, for repairing the Road from the Guide Post in the Village of Adderbury in the County of Oxford, through Kidlington, to the End of the Mileway in the City of Oxford. 15
- 1 G. 4. c. lxi. An Act for repairing and improving several Roads leading into and from Devizes in the County of Wilts.
- 3 G. 4. c. iii. An Act for more effectually repairing, widening, amending, and improving the Roads from Wigan to Preston in the County Palatine of Lancaster. 20
- 4 G. 4. c. lxii. An Act for more effectually repairing the Roads from Dyed Way to Somerton and from Gawbridge to Tintinhull Fords, and from a Stream of Water called Ford to Cartgate in Martock, and other Roads therein mentioned, in the County of Somerset.
- 4 G. 4. c. cvi. An Act for more effectually repairing and improving the Roads leading from Whitechapel Church in the County of Middlesex unto Passingford Bridge, and through and to the End of the several Parishes or Places of Shenfield and Woodford in the County of Essex, and for other Purposes relating thereto. 25
- 4 G. 4. c. cviii. An Act for more effectually repairing the Road leading from Beaconsfield in the County of Buckingham to Stoken Church in the County of Oxford. 30
- 5 G. 4. c. xi. An Act for amending and maintaining the Roads leading from the Town of Newent in the County of Gloucester and other Roads in the Counties of Gloucester and Hereford.
- 5 G. 4. c. xxv. An Act for improving and keeping in repair the Road from Span Smithy in the County of Chester to Talk in the County of Stafford. 35
- 7 G. 4. c. cxxvi. An Act for more effectually repairing the Road from Whitecross in the Parish of Leven in Holderness in the East Riding of the County of York to the Town of Beverley in the said County.
- 7 & 8 G. 4. c. lvi. An Act for repairing the Road from the High Bridge in Spalding to Tydd Goat in the County of Lincoln, and other Roads in the same County. 40

An

An Act for more effectually repairing the Road from Christopher's Bridge in the Borough of Thetford in the County of Suffolk to the North-east End of the Town of Newmarket in the County of Cambridge. 9 G. 4. c. li.

- 5 An Act for repairing the Road from Scole Bridge to Bury Saint Edmunds in the County of Suffolk. 9 G. 4. c. lxxv.

An Act for more effectually repairing, amending, widening, and improving the Road from the West Cowgate near Newcastle-upon-Tyne to the Almouth Turnpike Road in the County of Northumberland, and for making and maintaining other Roads communicating therewith. 11 G. 4. c. xxi.

- 10 An Act for repairing, amending, and maintaining the Road from Congleton in the County of Chester to a Branch of the Leek Turnpike Road at Thatchmarsh Bottom in the Parish of Hartington in the County of Derby, and from the Lowe to the Havannah Mills in the said County of Chester. 11 G. 4. c. xxxii.

- 15 An Act for more effectually repairing and improving the Roads from Lewes, through Offham, to Witch Cross; from the Cliffe near Lewes, through Uckfield, to Witch Cross; and from the said Cliffe, through Ringmer, Heathfield, and Burwash, to Hurst Green; all in the County of Sussex. 11 G. 4. c. lxxxii.

- 20 An Act for more effectually repairing and maintaining the Road between Hockliffe in the County of Bedford and Stony Stratford in the County of Buckingham. 11 G. 4. c. lxxxiii.

An Act for amending and improving the Road from Tonbridge to Ightham, and other Roads communicating therewith, in the County of Kent. 11 G. 4. c. xcix.

- 25 An Act for repairing and maintaining the Road leading from the High Road between Bromley and Farnborough in the County of Kent to Beggar's Bush in the Turnpike Road leading from Tonbridge Wells to Maresfield in the County of Sussex. 1 W. 4. c. xlv.

An Act for repairing the Road from the Bridge on the old River at Barton to Brandon Bridge in the County of Suffolk. 1 & 2 W. 4. c. xix.

- 30 An Act for more effectually repairing and improving the Road between the City of Durham and the Village of Shotley Bridge in the County of Durham. 1 & 2 W. 4. c. xxii.

An Act for better maintaining certain Roads within the County of Salop called the Shawbury District of Roads. 2 W. 4. c. lxxv.

- 35 An Act for more effectually repairing and maintaining the Road from Lanfabon to Pontymoil, and other Roads and Bridges therein mentioned, in the Counties of Glamorgan and Monmouth. 2 W. 4. c. lxxvii.

- 40 An Act for more effectually repairing and improving several Reads in the Counties of Cornwall and Devon, leading to the Borough of Saltash in the County of Cornwall, and for making a new Branch and Deviations of Roads to communicate therewith. 3 W. 4. c. v.

An Act for repairing the Roads from near Monk Bridge, near York, to New Malton, and from thence to Scarborough, and from Spittle House to Scarborough, all in the County of York. 3 W. 4. c. ix.

- 45 An Act for more effectually repairing and improving the Roads from Wendover to the End of Oak Lane, and from the River Colne for Half a Mile towards Beaconsfield, in the County of Bucks. 3 W. 4. c. xii.

- 3 W. 4. c. xvii. An Act for making and maintaining a Road from Bishop's Waltham to join the Botley and Winchester Road at or near Fisher's Pond in the Parish of Owslebury in the County of Southampton.
- 3 W. 4. c. xxiv. An Act for repairing the Road from Bicester in the County of Oxford to Aylesbury in the County of Buckingham. 5
- 3 W. 4. c. xlii. An Act for more effectually repairing the Roads from Hodges to Beadles Hill and Cuckfield, and from Beadles Hill to Lindfield, all in the County of Sussex.
- 3 W. 4. c. lix. An Act for more effectually repairing the Road from the Canal Bridge in Hurdfield in the County of Chester to the Turnpike Road at Randle Carr Lane Head in Fernilee in the County of Derby, leading to Chapel-in-le-Frith in the same County. 10
- 3 W. 4. c. lxxv. An Act for repairing and improving the Roads through Huntley from Gloucester towards Ross in the County of Hereford, and to and from Mitcheldean, and through Westbury-upon-Severn to Newnham and Littledean, 15 in the County of Gloucester.
- 3 W. 4. c. lxxix. An Act to make and maintain a Turnpike Road from the Gateshead and Hexham Turnpike Road at or near to Axwell Park Gate on the River Derwent in the Township of Winlaton in the Parish of Ryton in the County of Durham to the Village of Shotley Bridge in the said County of Durham. 20
- 3 W. 4. c. lxxxii. An Act for repairing the Road from Offham to Ditchelling in the County of Sussex.
- 3 W. 4. c. lxxxiv. An Act for more effectually repairing and improving the Road from Rochdale to Edenfield in the Parish of Bury, all in the County Palatine of Lancaster. 25
- 3 W. 4. c. xcii. An Act for more effectually repairing the Roads leading from Swindon to the Centre of Christian Malford Bridge, from Calne to Lyneham Green, and from the Direction Post in Long Leaze Lane near Lydiard Marsh to Cricklade in the County of Wilts.
- 3 W. 4. c. xciii. An Act for maintaining the Roads from the Town of Kingston-upon-Hull 30 to the Town of Beverley in the East Riding of the County of York, and from Newland Bridge to the West End of the Town of Cottingham in the same Riding.
- 3 W. 4. c. xcix. An Act for improving the Shrewsbury District and the Wellington District of the Watling Street Road in the County of Salop. 35
- 4 W. 4. c. xi. An Act for making a Turnpike Road from Minsterley in the County of Salop to the Turnpike Road leading from Bishop's Castle in the said County of Salop to Churchstoke in the County of Montgomery.
- 4 & 5 W. 4. c. lxxiii. An Act for more effectually repairing certain Roads from Kingsbridge to Dartmouth, and for making new Branches to and from the same, all in the 40 County of Devon.
- 4 & 5 W. 4. c. lxxxix. An Act to continue, alter, and amend an Act of the Fourth Year of the Reign of His late Majesty King George the Fourth, for more effectually repairing and improving the Middlesex and Essex Turnpike Roads; to provide for the rebuilding of Bow Bridge in the Counties of Middlesex and 45 Essex,

Essex, the improving of the several other Bridges upon the said Roads ; and for other Purposes relating thereto.

An Act for more effectually repairing and improving the Road from Rochdale, through Bamford and Birtle, to Bury, and several other Roads therein mentioned, all in the County Palatine of Lancaster. 13 & 14 Vict. c. lxxxvii.

5 An Act for more effectually repairing the Road from the Town of Beaconsfield to the River Colne, all in the County of Buckingham. 15 Vict. c. xcvi.

Turnpike Acts Continuance.

A

BILL

To continue certain Turnpike Acts in
Great Britain.

(Prepared and brought in by
Mr. Baring and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
16 June 1865.

[Bill 227.]

Under 1 oz.

Turnpike Tolls Abolition Bill.

ARRANGEMENT OF CLAUSES.

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Style of Commissioners. To have a Common Seal. Instruments to be received in Evidence; 2.

Power to appoint and remove Assistant Commissioners, Secretary, and other Officers; 3.

No Commissioner or Assistant Commissioner to sit in the House of Commons; 4.

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PART

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Costs of carrying out this Act ; 30.

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*As to Forms of Proceedings to be issued by the Commissioners,
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A

B I L L

TO

Discontinue the taking of Toll on the Turnpike Roads now existing in England and Wales, and to provide for the Maintenance of such Roads as public Highways, and for the Discharge of the Debts due thereon by voluntary Commutation.

WHEREAS it is expedient to alter the Laws relating to Turnpike Roads and Trusts so far as relates to the Tolls levied in respect thereof, and to provide for the Abolition of such Tolls, and for the future Maintenance of such Roads as public Highways, and also to ascertain and redeem the Debts chargeable on such Roads by a rateable Assessment on the several Parishes within the Districts through which such Turnpike Roads may pass: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

PART I.

By whom the Provisions of the present Act shall be carried into execution.

- 15 **1.** The Inclosure Commissioners for England and Wales for the Time being shall be the Commissioners for carrying this Act into execution, [Bill 128.]

Appoint-
ment of Com-
missioners.

A

execution,

Execution, and should the same not to be fully carried into effect before the Duties of the said Inclosure Commissioners shall cease, it shall be lawful in such Case for One of Her Majesty's Principal Secretaries of State to appoint any Number of fit Persons to be Commissioners to carry this Act into execution, in the Place of 5 such Commissioners so ceasing to act, and at Pleasure to remove any One or more of the Commissioners so appointed so that the Number of Commissioners shall never exceed *Three*; and upon every Vacancy in the Office of Commissioners some other fit Person shall be appointed to the said Office in like Manner; and 10 until such Appointment it shall be lawful for the remaining Commissioners or Commissioner to act as if no such Vacancy had occurred.

Style of Commissioners.

2. The Commissioners acting in the Execution of this Act shall be styled "The Turnpike Trust Commissioners for England and 15 Wales," and shall have their Office in London or Westminster; and they, or any *Two* of them, may sit from Time to Time as they deem expedient as a Board of Commissioners for carrying this Act into execution; and the said Commissioners shall cause to be made a Seal of the same Board, and shall cause to be sealed or stamped 20 therewith all Agreements; and Awards or Apportionments and other Instruments proceeding from the said Board, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Board, shall be received in Evidence without any further Proof thereof; and no Agreement, Award, or Apportionment shall be of 25 any Force unless the same shall be sealed or stamped as aforesaid.

To have a Common Seal.

Instruments to be received in Evidence.

Power to appoint and remove Assistant Commissioners, Secretary, and other Officers.
8 & 9 Vict. c. 118.

3. It shall be lawful for the said Commissioners from Time to Time to employ such of the Assistant Commissioners appointed under the Provisions of an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, entitled "An Act to 30 " facilitate the Inclosure and Improvement of Commons and Lands " held in common, the Exchange of Lands, and the Division of " intermixed Lands to provide Remedies for defective or in- " complete Executions, and for the Non-execution of the Powers of " General and Local Inclosure Acts; and to provide for the Revival 35 " of such Powers in certain Cases," as they shall see fit, or to appoint a sufficient Number of other Persons to be Assistant Commissioners, and also a Secretary, Assistant Secretary, and all such Clerks, Messengers, and Officers as they shall deem necessary, and to remove such Assistant Commissioners, Secretary, Assistant Secretary, 40 Clerks, Messengers, or Officers, or any of them, and on any Vacancy in any of the said Offices to appoint some other Person to the vacant Office; and the Persons so employed or appointed shall assist in carrying

carrying this Act into execution at such Places and in such Manner as the said Commissioners may direct.

4. No Commissioner or Assistant Commissioner appointed as aforesaid shall during the Continuance of such Office be capable
5 of being elected or of sitting as a Member of the House of Commons.

No Commissioner or Assistant Commissioner to sit in the House of Commons.

5. No Commissioner or Assistant Commissioner, Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer Period than *Five Years* next after the Day of the passing
10 of this Act, and thenceforth until the End of the then next Session of Parliament; and after the Expiration of the said Period of *Five Years*, and of the End of the then next Session of Parliament, so much of this Act as authorizes such Appointment shall cease.

Limitation of Appointments to Five Years.

6. The Salaries of the Commissioners, the Allowance to the
15 Assistant Commissioners, and the Salary of the Secretary, Assistant Secretaries, Clerks, Messengers, and other Officers to be appointed under this Act, shall be from Time to Time regulated by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three of them: Provided always, that the Salary of a Com-
20 missioner shall not exceed the Sum of *Two thousand Pounds* a Year, including any Salary to which he may be entitled under the said Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, nor the Allowances to an Assistant Commissioner the Sum of *Three Pounds* for every Day that he shall be actually
25 employed or travelling in the Performance of the Duties of his Office, including any Allowance to which he may be entitled under the said Act, nor the Salary of the Secretary the Sum of *Eight hundred Pounds* a Year; and that the Salaries of the Assistant Secretaries, Clerks, Messengers, and other Officers shall be in fit
30 Proportion: Provided also, that the said Lord High Treasurer or Commissioners of Her Majesty's Treasury may allow to any Commissioners or Assistant Commissioner, Secretary, Assistant Secretary, Clerk, Messenger, or other Officer, any such reasonable travelling or other Expenses as may have been incurred by him in the
35 Performance of his Duties under this Act, in addition to his Salary or Allowance respectively.

Salaries and Allowances.

7. The Salaries, Allowances, and travelling and other Expenses of the Commissioners, Assistant Commissioners, Secretary, Assistant Secretary, Clerks, Messengers, and Officers as aforesaid, and all
40 other incidental Expenses of carrying this Act into execution not herein otherwise provided for, shall be paid by the Lord High

Such Salaries, &c. to be paid out of Consolidated Fund.

Treasurer or the Commissioners of Her Majesty's Treasury, out of any Monies that may be provided by Parliament for that Purpose.

Declaration
of Commis-
sioners and
Assistant
Commission-
ers.

8. Every Commissioner shall, before he shall enter upon the Execution of his Office, make the following Declaration before One of the Judges of Her Majesty's Courts of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer :

' I [*A. B.*] do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of a Commissioner under an Act passed in the [] Year of the Reign of Queen Victoria, 10
' entitled [*here set forth the Title of this Act*].

And every such Assistant Commissioner shall, before he shall enter upon the Execution of his Office, make the like Declaration (substituting the Words "Assistant Commissioner" for the Word "Commissioner") before a Judge or Baron, or before any Justice 15 of the Peace for the County, Riding, Division, Liberty, or Jurisdiction wherein such Assistant Commissioner shall be resident at the Time of his Appointment, or before a Master Extraordinary in Her Majesty's High Court of Chancery; and the Appointment of every such Commissioner and Assistant Commissioner, with the 20 Time when, and the Name or Names of the Judge, Baron, Justices, or Master Extraordinary before whom he shall have made the Declaration as aforesaid, shall be forthwith published in the London Gazette.

Commission-
ers may dele-
gate Powers,
&c.

9. The said Commissioners may delegate to their Assistant Com- 25 missioners, or to any One or more of them, such of the Powers hereby given to the said Commissioners as the said Commissioners shall think fit, except the Power to confirm Agreements, Awards, or Apportionments, or to frame Forms of Agreements and other Instru- 30 ments, as herein-after provided, or to do any Act herein required to be done under the Seal of the said Commissioners; and the Powers so delegated shall be exercised under such Regulations as the said Commissioners shall direct; and the said Commissioners may at any Time recall or alter all or any of the Powers delegated as aforesaid, and, notwithstanding the Delegation thereof, may act as if no such 35 Delegation had been made; and all Acts done by any such Assistant Commissioner in pursuance of such delegated Powers shall be obeyed by all Persons as if they had proceeded from the said Commissioners, and the Non-observance thereof shall be punishable in like Manner.

40

10. When-

10. Whenever any Person interested under the Provisions of this Act shall be a Minor, Idiot, Lunatic, Feme Covert, or under any other legal Disability, or shall be beyond the Seas, the Guardian, Trustees, Committee of the Estate, Husband, or Attorney of such Person respectively, or in case the Party interested shall be unknown then such Person as may be nominated for that Purpose by the said Commissioners under their Hands and Seals, shall for the Purposes of this Act be substituted for such Person interested as aforesaid.

In case Persons interested shall be under legal Disabilities.

11. It shall be lawful for any Person interested under the Provisions of this Act, by a Power of Attorney given in Writing under his Hand, or in the Case of a Corporation Aggregate or Sole under the Common Seal of such Corporation, from Time to Time to appoint an Agent to act for him in carrying into execution the Provisions of this Act; and all Things which by this Act are directed or authorized to be done by or in relation to any such Person may be fully done by or in relation to the Agent so duly authorized of such Person; and every Agent shall have full Power, in the Name and on behalf of his Principal, to concur in and execute any Application, or Act to signify Consent or Dissent, and to vote in any Question arising out of the Execution of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a Copy thereof, authenticated by the Signature of a Witness or Witnesses, shall be deposited in the Office of the Commissioners; and any such Power of Attorney may be in the Form following :

I of do hereby appoint
 of to be my Attorney for all the Purposes of an Act
 passed in the Years of Her present Majesty intituled [*insert the Title of this Act*].

Witness,

Signed A.B.

PART II.

As to the Proceedings at Meetings to be held preparatory to signing a Declaration under this Act.

12. Any One or more Ratepayers whose Interest shall not be less than One Fourth of the aggregate Parochial Assessment of the several Parishes in the District through which any Turnpike Road passes may call a Meeting of the Ratepayers of the said several Parishes, by a Notice thereof in Writing under his or their

Meeting of the Ratepayers to be called for signing Declaration.

Hands, to be affixed at least *Twenty-one Days* before such Meeting on the principal outer Door of the Church in each of the said Parishes, and on each of the Toll Houses, Turnpike Gates or Bars, erected upon or along the said Road, and to be twice at least during such *Twenty-one Days* inserted in some Newspaper generally 5 circulated in the County or District through which such Road passes, for the Purpose of considering and determining whether it is expedient to discontinue the taking of Tolls upon the Turnpike Road within such District, and the Persons who shall be present at any such Meeting may proceed to make and sign a Declaration 10 to that Effect; and if the Persons signing such Declaration shall represent One Half of the Ratepayers of the aggregate Amount of the Parochial Assessment made upon the several Parishes within the District through which the said Road passes, such Declaration so signed shall be forwarded to the said Commissioners, for their 15 Approval and Confirmation, as herein-after mentioned.

Declaration
to be signed
at the Meet-
ing.

13. The Majority in Number of the Ratepayers present at any such Meeting as aforesaid shall elect a Chairman who, with the Approval of the Majority of Persons then present, shall adopt such Measures as he may deem expedient for ascertaining the Revenue 20 and the Amount of Debts and Liabilities, together with all other Particulars relating to the Trust, and for such Purposes the Chairman shall be entitled to require, by Notice in Writing under his Hand, addressed to the Clerk of the Trustees or other Officer of the said Turnpike Road, all such Information relative to the 25 said Revenue, Debts, Liabilities, and other Particulars, as he may, in furtherance of the Objects aforesaid, deem necessary, and when so obtained the Chairman shall forward the same, together with such Declaration, to the said Commissioners; and any Clerk or Officer to whom such Notice shall be given is hereby authorized and 30 required to furnish such Information; and the said Chairman shall have Power also to negotiate and enter into an Agreement with any of the Mortgagees, Bondholders, or other Creditors of the said Trust, as to the Amount at which their respective Debts shall be fixed and apportioned in the Award of the Commissioners to be 35 made by them in manner herein-after mentioned.

Chairman
may nego-
tiate with
Creditors
as to the
Amount of
their respec-
tive Debts,
&c.

Declaration
may be
signed with-
in Six
Months after
the Day
when first
agreed to.

14. If there shall not be such Interest as aforesaid of Persons present at such Meeting, and consenting to such Declaration as aforesaid, it shall be lawful, notwithstanding, for any One or more of the Persons then present to sign such Declaration; and such 40 Declaration, if signed within Six Calendar Months from the Day at which the same was signed as aforesaid by Persons representing One Half of the aggregate Amount of the Parochial Assessment made

made upon the several Parishes within the District through which the Turnpike Road passes, shall be deemed as effectual for all Purposes as if agreed to and signed at the said original Meeting.

15. In case an Adjournment of the said Meeting for any Cause shall be desired by a Majority of the Persons present, the Chairman shall adjourn the same to any Time and Place by him then to be declared, and continue such Adjournment from Time to Time, in case the same shall be in like Manner desired by a Majority of the Persons attending such Meeting; and Notice of every such adjourned Meeting shall be given under the Hand of the Chairman, and shall be affixed in a conspicuous Place on the Outside of the Building in which such Meeting or the last Adjournment thereof shall have been holden; and the like Order of Proceeding shall be observed at any such adjourned Meeting, and everything done thereat shall be as effectual as if done at the original Meeting.

Meeting may be adjourned.

16. Every such Declaration as aforesaid shall bear Date on the Day on which the First Signature is attached thereto or to the Memorandum or Minute thereof, and shall be in such Form and to such Effect as the Commissioners shall from Time to Time direct.

Form of Declaration to be settled by the Commissioners.

17. Every such Declaration, when completed and signed in manner aforesaid, shall be forwarded to the Office of the Commissioners, who on receiving the same shall, by themselves or by an Assistant Commissioner, cause Inquiry to be made, in order to satisfy themselves that such Declaration has been signed according to the Provisions of this Act, and shall thereupon call a Meeting of the Ratepayers, in like Manner and Form as is provided for holding the original Meeting for making such Declaration, and at such Meeting the said Commissioners or Assistant Commissioner shall proceed to ascertain and fix the Amount of the Debts and Liabilities of the said Trust, and make Provision for Payment of the same, and shall hear and determine any Objections which may be urged before him by any of the Ratepayers attending such Meeting; and the said Commissioners or Assistant Commissioner may from Time to Time adjourn such Meeting, in like Manner as is herein-before directed for the Adjournment of the original Meeting.

Declaration when signed to be sent to Commissioners previous to their holding a Meeting for Inquiry &c.

May adjourn Meeting.

18. Provided always, That in case the Interest of the Persons signing such Notice for the original Meeting should not represent *One Fourth* of the aggregate Assessment as herein-before mentioned, or in case the Interest of the Persons present at such

Commissioners may proceed in the Execution of this Act

although
Notice and
Declaration
not signed
by Persons
of sufficient
Interest.

original Meeting and signing the Declaration should not represent *One Half* of the aggregate Assessment as herein-before mentioned, it shall be lawful for the Commissioners or Assistant Commissioner attending the Meeting, pursuant to the Provisions aforesaid, to proceed in the Execution of this Act as if the said Notice and 5 Declaration had been signed by Persons whose Interests represented such respective Proportions; but in every such Case as aforesaid in which the said Commissioners or Assistant Commissioner shall deem it expedient to proceed in the Execution of this Act, the Commissioners shall state the Circumstances and Reasons 10 under which they have so proceeded specially in their Report to Parliament as herein-after mentioned.

PART III.

As to Proceedings at Meetings held by the Commissioners previous to making an Award, and the Abolition of Turnpike Trusts 15 after the Award has been confirmed, by Parliament. Power to borrow Money to pay off Debts apportioned by such Award, and to sell Trust Estate after the same is vested in Commissioners under this Act.

Commis-
sioner or As-
sistant Com-
missioner
may attend
Meetings.

19. The Commissioners or Assistant Commissioner who may 20 attend such Meeting as aforesaid shall examine and ascertain the Amount and Nature of all Mortgages and other Debts and Liabilities to which he shall consider such Trust to be liable, and shall hear and determine all Objections brought before him, and shall ascertain all other Particulars relating to such Trust which he shall 25 deem essential, and for that Purpose the said Commissioners or Assistant Commissioner may, by Summons under his Hand, require the Attendance before him, at a Time and Place to be therein mentioned, of any Trustee or Officer acting in the Execution of the said Trusts, as well as of any other Person whom he may think fit 30 to examine upon any Question or Matter connected with or relating to the Execution of this Act, and may examine upon Oath any such Trustee, Officer, or Person, and may require the Production of any Books, Accounts, Maps, Acts of Parliament, Mortgages, Bonds, Debentures, or other Documents which he may consider to 35 relate to any such Question or Matter; and the Commissioners or Assistant Commissioner may allow to any Witness attending in pursuance of such Summons any Expenses which to them or him may seem reasonable.

Power to
summon Wit-
nesses before
him and to
require Pro-
duction of
Documents.

Power to
allow Ex-
penses to
Witnesses.

Penalty on
giving false
Evidence, or

20. Every Person who, being examined under the Authority of 40 this Act, shall wilfully and corruptly give false Evidence, or make
or

or subscribe a false Affidavit or Declaration, shall be deemed guilty of Perjury, and shall suffer the Penalties incident thereto; and every Person who being summoned as aforesaid shall wilfully refuse or neglect to attend, or when present shall refuse to give Evidence, or
5 to produce any such Books, Accounts, Maps, Acts of Parliament, Mortgages, Bonds, Debentures, or other Documents as aforesaid, or shall wilfully alter, suppress, conceal, or destroy any such Documents, such Person shall be liable for every such Offence to a Penalty of *Fifty Pounds*, which may be recovered in the County
10 Court of the District in which such Person shall have been summoned; and on Conviction of the Offender, and in default of Payment of such Penalty, together with the Costs of Suit, the Judge of the said Court shall be empowered to enforce Payment of the same by
15 Imprisonment in case of an Insufficiency of Assets, according to the ordinary Mode of Procedure for the Recovery of Debts in such Court; and the Penalty so recovered shall be paid to the Surveyors of the Highways of the Parish, Township, or District within which such Conviction shall take place, in aid of the Rate for maintaining
20 and repairing such Highways.

21. The Commissioners or Assistant Commissioner shall make a full and particular Record in Writing of such his Proceedings in the Execution of this Act, and shall thereupon make an Award in Writing specifying therein the Names of all such Persons as he
25 may have determined to be entitled to any Monies as Mortgagees or Creditors of such Trust, and whether the Sums of Money due and owing to them respectively shall be payable in One or more Instalments, or otherwise, and shall also specify therein the Names of all such Persons as shall have claimed to be Mortgagees or
30 Creditors of such Trust to whom the said Commissioners shall have determined to award no Sum of Money, and shall also specify therein the Apportionment made of the Sums of Money payable in respect of such Trust in the several Parishes throughout the District in which such Turnpike Road shall be situate, and such
35 Apportionment shall be made according to the Mileage of such Road in each Parish, unless by Reason of any Special Circumstances the Commissioner or Assistant Commissioner shall deem it expedient to apportion the Debts of the said Turnpike Trust upon the several Parishes within the said District in some other
40 Manner and Form; but in every such Case the said Commissioners shall state the Circumstances and the Reasons for such special Apportionment in their Report to Parliament as herein-after mentioned.

refusing to give Evidence or to produce Documents &c.

Commissioners to record Proceedings and make an Award.

Award to be
delivered to
Clerk of
Turnpike
Trust.

22. The said Commissioners shall forthwith deliver or cause to be delivered a Copy of his Award to the Clerk or other Officer of such Turnpike Trust, who shall within *Seven Days* from the Delivery of the same give Notice in Writing to the several Persons therein named of the Particulars of such Award regarding such 5 Persons respectively: Provided always, that such Award shall not be final and conclusive until the same has been confirmed by Parliament in manner herein-after mentioned.

PART IV.

Power to borrow Money to pay off Debts apportioned by Commissioners Award. 10

Power to
borrow
Money to
pay off Debts
awarded.

23. In case any One or more of the Ratepayers whose Interest shall not be less than *One Half* of the aggregate Parochial Assessment of the said several Parishes in the District through which the said Turnpike Road passes shall be desirous of raising the Amount 15 necessary to purchase, pay off, or redeem any of the Debts apportioned in such Award by way of Loan, it shall thereupon be lawful for the said Commissioners, by Warrant under their Hands and Seal, to authorize the borrowing and raising such Loan, together with Interest thereon to be payable from 20 Time to Time by Instalments out of the Rates of the said several Parishes or Townships, in like Manner as is provided by the several Statutes made and now in force for raising Loans for the Improvement of Lands, and all the several Powers and Authorities therein granted for that Purpose shall be applicable for the carrying 25 out the Provisions of this Act in regard to the said Loan.

PART V.

After Confirmation of Award by Parliament, Turnpike Trusts to vest in the Commissioners, under the Provisions of this Act.

Commission-
ers to make
Reports to
Secretary of
State to be
laid before
Parliament.

24. The said Commissioners shall from Time to Time give to any 30 One of Her Majesty's Principal Secretaries of State such Information respecting their Proceedings as such Secretary may require, and shall in the Month of *January* in every Year send to One of the said Principal Secretaries of State a Report of their Proceedings, specifying the Declarations which have been made and sent to them, 35 and the Awards made by them in pursuance thereof, under the Provisions of this Act, together with a Schedule of the several Acts for regulating the Turnpike Trusts proposed to be abolished by such Awards;

- or subscribe a false Affidavit or Declaration, shall be deemed guilty of Perjury, and shall suffer the Penalties incident thereto; and every Person who being summoned as aforesaid shall wilfully refuse or neglect to attend, or when present shall refuse to give Evidence, or
 5 to produce any such Books, Accounts, Maps, Acts of Parliament, Mortgages, Bonds, Debentures, or other Documents as aforesaid, or shall wilfully alter, suppress, conceal, or destroy any such Documents, such Person shall be liable for every such Offence to a Penalty of *Fifty Pounds*, which may be recovered in the County
 10 Court of the District in which such Person shall have been summoned; and on Conviction of the Offender, and in default of Payment of such Penalty, together with the Costs of Suit, the Judge of the said Court shall be empowered to enforce Payment of the same by an Execution against the Goods and Chattels of the Offender, or by
 15 Imprisonment in case of an Insufficiency of Assets, according to the ordinary Mode of Procedure for the Recovery of Debts in such Court; and the Penalty so recovered shall be paid to the Surveyors of the Highways of the Parish, Township, or District within which such Conviction shall take place, in aid of the Rate for maintaining
 20 and repairing such Highways.

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 25 may have determined to be entitled to any Monies as Mortgagees or Creditors of such Trust, and whether the Sums of Money due and owing to them respectively shall be payable in One or more Instalments, or otherwise, and shall also specify therein the Names of all such Persons as shall have claimed to be Mortgagees or
 30 Creditors of such Trust to whom the said Commissioners shall have determined to award no Sum of Money, and shall also specify therein the Apportionment made of the Sums of Money payable in respect of such Trust in the several Parishes throughout the District in which such Turnpike Road shall be situate, and such
 35 Apportionment shall be made according to the Mileage of such Road in each Parish, unless by Reason of any Special Circumstances the Commissioner or Assistant Commissioner shall deem it expedient to apportion the Debts of the said Turnpike Trust upon the several Parishes within the said District in some other
 40 Manner and Form; but in every such Case the said Commissioners shall state the Circumstances and the Reasons for such special Apportionment in their Report to Parliament as herein-after mentioned.

refusing to
give Evi-
dence or to
produce Do-
cuments &c.

Commission-
ers to record
Proceedings
and make an
Award.

Award to be
delivered to
Clerk of
Turnpike
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PART V.

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Awards; and every such Report shall be laid before both Houses of Parliament within *Six Weeks* after the Receipt of the same by such Principal Secretary of State, if Parliament be then sitting, or if not sitting within *Six Weeks* after the next Meeting of Parliament; and such Commissioners may from Time to Time send such other special Reports in relation to all or any of the Matters aforesaid as they may think fit.

25. After the Report of the said Commissioners shall have been sanctioned and confirmed by Parliament; the recited Acts set forth in the Schedule of the said Commissioners Report, or any other Act for amending or continuing the same, shall be repealed, and from thenceforth the Trustees appointed under the said Acts shall be discharged from the Exercise of the Trusts and Powers thereby vested in them, and the collecting and taking of Tolls upon the several Roads comprised in the said Acts shall absolutely cease from the Date of such Sanction and Confirmation, and the said Roads shall be deemed and taken as public Highways or Roads within the several Parishes throughout the District in which the same are respectively situate, and shall be maintained and kept in repair in like Manner as other public Roads within the same District, and shall be subject to the like Powers as are contained in the several Statutes made and now in force for the Regulation of the general public Highways throughout England and Wales.

Acts specified in Schedule of Commissioners Report to be repealed, and Turnpike Roads declared public Highways.

5 & 6 W. 4. c. 50.
2 & 3 Vict. c. 45.
8 & 9 Vict. c. 71.
25 & 26 Vict. c. 61.
26 & 27 Vict. cc. 61. 94.
27 & 28 Vict. c. 101.

26. After the Confirmation of the said Commissioners Report by Parliament, all Lands, Quarries, Tenements, and Hereditaments, Toll Houses, Gates, Bars, Monies, Choses in Action, and all other Property whatsoever vested in or belonging to the Trustees of any Turnpike Roads, for the Purposes of the Trust thereof, shall vest in the said Commissioners, for such Interest or Interests as the said Trustees shall have therein, and the said Trustees, and their Officers, and all other Persons in possession thereof, shall surrender the same, and all the Title Deeds, Leases, Contracts, Instruments, Documents, or Things relating thereto, to the said Commissioners, to be by them applied as herein-after directed.

Property of Turnpike Trust to vest in Commissioners.

27. If any Toll Collector or other Person shall refuse or neglect, after *Seven Days* Notice in Writing to that Effect, to deliver up to the Commissioners, or to any Person appointed by them for that Purpose, any Toll House or other Building or Property vested in the Commissioners under the Provisions of this Act, or any Matter or Things relating thereto, in the Possession or Custody of such Toll Collector or any other Person, then, upon Application being made

Power of Justices to give Possession of Toll House, &c. to Commissioners or their Agent.

by the Commissioners or any other Person so appointed by them as aforesaid, to the Justice or Justices at Petty Sessions for the District within which such Offence shall be committed, it shall be lawful for such Justice or Justices to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to 5 remove any Person found therein, and to take possession thereof, or of any such Property, Matter, or Thing, and to deliver the same to the Commissioners or any Person appointed by them for that Purpose.

Turnpike
Trust Pro-
perty to be
sold.

28. The Commissioners shall, so soon as conveniently may be after the Trusts shall be so vested in them as aforesaid, sell and 10 dispose or authorize the Sale and Disposal of the Estate and Interest in such of the Lands or other Real Property of each of the said Turnpike Trusts so vested in them as shall not be required for the Purposes of the said Roads, and the Rights, Members and Appurtenances thereof, and of such Personal Property as aforesaid, either 15 by public Auction or by private Contract, and either in One Lot or in several Lots, as to him shall seem fit, to such Persons as shall be willing to become the Purchasers thereof or of any Part thereof; and the Commissioners shall have full Power and Authority to enter into all necessary Contracts for Sales, or to rescind or vary the same, 20 and to give full and effectual Discharges for the Purchase Money thereof or any Part thereof, and to execute all necessary Conveyances for vesting the same in the Purchase thereof or of any Part thereof, for all the Estate or Interest therein which shall be vested in the Commissioners; and the Commissioners shall and are 25 hereby authorized and required to take down and remove all or any Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things which shall encroach upon the Road or any of them; and may, if they think fit, take down or remove all or any other Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, 30 Chains, or other Things, the Property of the said Turnpike Trusts, and may sell and dispose of the Materials thereof in manner aforesaid: Provided always, that before the Commissioners shall sell and dispose of or offer for Sale and Disposal any Piece of Ground not wanted for the Purposes of the Road they shall offer 35 the same to the Person whose Lands adjoin thereto, and if such Person shall thereupon refuse or shall not agree to purchase the same such Land may be sold to any Person who may be willing to become the Purchaser thereof as aforesaid.

Application
of Purchase
Money.

29. All Monies to arise from such Sales of the Property of any 40 such Turnpike Trust, after deducting the necessary Expenses thereof, and all Monies to be received from the Trustees or Officers of

of any such Turnpike Trust, shall be applied by the Commissioners in the first instance in discharge of the Expenses of carrying this Act into execution; and the several Parishes, Turnpikes, or Districts wherein is situate the Turnpike Trust from which such
5 Monies shall have arisen shall be entitled to Credit for the Amount of such Monies so applied, and the Commissioners shall allocate the same accordingly.

PART VI.

As to the Costs of carrying out this Act.

- 10 **30.** All the Costs of and incident to any Proceedings under this Act shall be ascertained and fixed by the Commissioners or Assistant Commissioner; and such Costs shall be included amongst the Debts and Liabilities of the said Turnpike Trust, and shall be apportioned and paid in the same Manner as other Debts and
15 Liabilities of the said Turnpike Trust are apportioned, under the Provisions of this Act.

Costs of carrying out this Act.

PART VII.

*As to Forms of Proceedings to be issued by the Commissioners;
Interpretation of Words and pleading of this Act.*

- 20 **31.** All Forms of Notices, Summonses, Declarations, Orders, and Documents requisite for carrying this Act into execution shall be prepared and printed by the Commissioners, and issued at the Expense of the Persons requiring the same.

Forms of Proceedings how to be prepared and issued.

- 25 **32.** All Summonses for the Attendance of Witnesses, and all the Documents required in any Proceedings before an Assistant Commissioner, shall be signed by such Assistant Commissioner.

Summonses to be signed by Assistant Commissioner.

33. All Awards, Reports, and other Documents issuing from the Office of such Commissioners shall be signed by them, and stamped with their official Seal.

Awards and other Documents issuing from Commissioners to be under Seal.

- 30 **34.** In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be anything in the Subject or Context repugnant to such Construction; the Words "Person" or "Party" shall include the Queen's
[128.] Majesty

Interpretation of Words.

Majesty and any Body Corporate, whether aggregate or sole, as well as any Individual or Individuals; the Word "Land" shall include all Property whatsoever rateable to the Repairs of the public Highways; and the Word "Parish" shall include every Township or District separately rated to the Relief of the Poor. 5

Short Title. **35.** This Act may be cited for all Purposes as "The Turnpike Trusts Abolition Act, 1865."

Turnpike Tolls Abolition.

A

B I L L

To discontinue the taking of Toll on the Turnpike Roads now existing in England and Wales, and to provide for the Maintenance of such Roads as public Highways, and for the Discharge of the Debts due thereon by voluntary Commutation.

*(Prepared and brought in by
Mr. Whalley and Mr. McMahon.)*

*Ordered, by The House of Commons, to be Printed,
8 May 1865.*

[Bill 128.]

Under 3 oz.



A

B I L L

TO

Confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

WHEREAS by an Act of the Fifteenth Year of Her Majesty, Chapter Thirty-eight, “to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls,” herein-after referred to as the Principal Act, Power is given to One of Her Majesty’s Principal Secretaries of State to make Provisional Orders for reducing the Rate of Interest and for extinguishing the Arrears of Interest on Mortgage Debts charged or secured on the Revenues of Turnpike Roads, in Cases where such Revenues are insufficient for the Payment in full of the Interest charged thereon: And whereas by the Act of the Session of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Forty-six, the Principal Act is extended to Turnpike Roads, the Acts relating to which are continued by any Annual Turnpike Acts Continuance Act, although their Revenues are not insufficient for such Payments as aforesaid : And whereas, in pursuance of the Principal Act, and the said Act extending the same, the several Provisional Orders referred

Preamble.
14 & 15 Vict.
c. 38.
24 & 25 Vict.
c. 46.

[Bill 225.] A to

to in the Schedule hereto have been made by Her Majesty's Principal Secretary of State for the Home Department, and there are stated in the said Schedule the Dates of such Orders, and such Particulars relating thereto as are therein specified : And whereas it is expedient that the said Provisional Orders should be confirmed and made 5 absolute : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Provisional
Orders
confirmed.

1. The several Provisional Orders, the Dates of which are set 10 forth in the First Column of the said Schedule, are hereby confirmed, and the Provisions thereof shall be of the like Force and Effect as if they had been expressly enacted by Parliament.

SCHEDULE.

	Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
5	1864. 4 Aug.	2 W. 4. c. 64., "An Act for making a " Turnpike Road from the Parish of " Cann Saint Rumbold near Shaftes- " bury in the County of Dorset, " through Cranbourne Chase and the " New Forest, to the Bell Inn at " Brook in the Parish of Bramshaw " in the County of Southampton, " together with Two Branches there- " from" - - - -	£ s. d. 3,950 0 0	1s. per Cent.	{ 31 Dec. 1863 (Arrears extinguished).
10	31 Oct.	1 Geo. 4. c. 5., "An Act for enlarging " the Term and Powers of Two Acts " of His late Majesty, for repairing " the Road from Buildwas Bridge to " join the Watling Street Road at " Tern Bridge in the County of " Salop" - - - -	1,108 0 0	1d. per Cent.	31 Dec. 1864.
15	8 Nov.	3 W. 4. c. 6., "An Act for repairing " the Road from Reedy Gate in the " Parish of Dunsford, through More- " tonhampstead, to Cherry Brook in " the Forest of Dartmoore in the " County of Devon" - - -	2,397 0 0 2,000 0 0	{ 1d. per Cent.	{ 31 Dec. 1863 (Arrears extinguished).
25	6 Dec.	7 & 8 Vict. c. 72., "An Act for repair- " ing, maintaining, and improving " the Road from Flint Lane to Holm- " frith, and thence to the Hudders- " field and Woodhead Turnpike " Road, and for making and main- " taining a new Line of Road from " the said Road at a Place called " Bents, to or near Dunford Bridge, " all in the West Riding of the " County of York," so far as the " same relates to the "Dunford " District" - - - -	960 0 0 1,094 2 6	3l. per Cent. 1d. per Cent.	{ 3 Oct. 1864 (Arrears extinguished).
30	6 Dec.	2 W. 4. c. 5., "An Act for more effec- " tually repairing and otherwise im- " proving the Road from Ipswich to " Stratford Saint Mary in the County " of Suffolk" - - - -	1,500 0 0	3l. 10s. per Cent.	31 Dec. 1864.
35	12 Dec.	3 W. 4. c. 44., "An Act for more effec- " tually repairing the Roads from " Hodges to Beadles Hill and Cuck- " field, and from Beadles Hill to " Lindfield, all in the County of " Sussex" - - - -	3,500 0 0	2l. 10s. per Cent.	31 Dec. 1864.
40					
45					
50					

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.	5
1864. 20 Dec.	3 Geo. 4. c. 11., "An Act for continuing the Term, and altering, amending, and enlarging the Powers of the several Acts passed for repairing the Road from the Bars at Boughton within the Liberties of the City of Chester to Whitchurch, and from thence to Newport in the County of Salop, and other Roads in the said Acts mentioned, so far as relate to the First District of Roads in the said Acts mentioned; and for diverting a certain Part of the Road comprised within the said District" -	£ s. d. 4,301 0 0 130 0 0	4l. per Cent.	31 Dec. 1864.	10 15 20
30 Dec.	3 Wm. 4. c. 99., "An Act for improving the Shrewsbury District and the Wellington District of the Watling Street Road in the County of Salop, so far as relates to the "Shrewsbury District" - - -	3,650 0 0	3l. per Cent.	25 Dec. 1864.	25
1865. 3 Feb.	5 Geo. 4. c. 32., "An Act for more effectually amending the Roads from Whitchureh in the County of Salop to that Part of the Road leading from Nantwich in the County of Chester to Newcastle-under-Lyne in the County of Stafford which passes through the Township of Madeley in the said County of Stafford, and also from Hinstock in the said County of Salop to Nantwich aforesaid" -	1,650 0 0	3l. 15s. per Cent.	25 Mar. 1865.	30 35
5 April	2 & 3 Wm. 4. c. 109., "An Act for maintaining certain Roads in the Neighbourhood of the Towns of Beverley, of Kingston-upon-Hull, and of North Cave, called "The Beverley, Hessle, and North Cave Turnpike Roads" - -	2,275 0 0	2l. 10s. per Cent.	{ 30 June 1865 (Arrears extinguished).	40 45
16 May	2 Wm. 4. c. 4., "An Act for more effectually repairing and improving the Road from Hardington to Old Stratford in the County of Northampton" - - -	3,660 0 0	1l. per Cent.	{ 13 April 1865 (Arrears extinguished).	50

Turnpike Trusts Arrangements.

A

BILL

To confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

(Prepared and brought in by
Mr. Baring and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
16 June 1865.

[Bill 225]
Under 1 oz.



A

B I L L

FOR

Transferring the Ulster Canal to the Commissioners of Public Works in Ireland.

WHEREAS an Act was passed in the Sixth Year of the Preamble.
Reign of His late Majesty King George the Fourth, 6 G. 4. c. 193.
being an Act for making and maintaining a navigable
Canal from Lough Erne in the County of Fermanagh to the River,
5 Blackwater near the Village of Charlemont in the County of
Armagh, which Act was amended by an Act of the Session held in
the Ninth Year of His said late Majesty, Chapter Ninety-six, and 9 G. 4. c. 96.
by a further Act of the Session held in the Tenth Year of His said 10 G. 4. c.
late Majesty, Chapter One hundred and nine, and by a further Act 109.
10 of the Session held in the Second Year of His late Majesty King 1 & 2 W. 4.
William the Fourth, Chapter Fifty-six: And whereas considerable c. 56.
Progress was made in the Execution of the said Canal, being
commonly called the Ulster Canal, by the Company authorized to
be formed and incorporated by the said firstly recited Act, under the
15 Style of the Ulster Canal Company: And whereas the Commis-
sioners acting in the Execution of an Act made and passed in the
Fifty-seventh Year of the Reign of His late Majesty King George
the Third, being an Act to authorize the Issue of Exchequer Bills,
[Bill 211.] A and

Three
several
Mortgages
executed by
the Com-
pany.

6 W. 4. c. 72.

and the Advance of Money to a limited Amount out of the Consoli-
dated Fund for the carrying on of Public Works and Fisheries in
the United Kingdom, and of the subsequent Acts amending the
same (which Commissioners were then commonly called the
Exchequer Loan Commissioners), did on or about the Twelfth Day 5
of August One thousand eight hundred and thirty-three, under the
Provisions of the said last-mentioned Acts or some of them, con-
sent to advance to the said Ulster Canal Company a Loan of One
hundred and twenty thousand Pounds, by Six several Instalments of
Twenty thousand Pounds each: And whereas Three of the said 10
Instalments were respectively advanced to the said Canal Company
on the Twelfth Day of August One thousand eight hundred and
thirty three, the Fourteenth Day of April One thousand eight hundred
and thirty-five, and the Thirteenth Day of October One thousand eight
hundred and thirty-five, and the Repayment thereof secured to the 15
said Loan Commissioners by Three several Indentures of Mortgage,
under the Common Seal of the said Canal Company, bearing Date
respectively the Twelfth Day of August One thousand eight hundred
and thirty-three, the Fourteenth Day of April One thousand eight
hundred and thirty-five, and the Thirteenth Day of October One 20
thousand eight hundred and thirty-five, whereby, for the Consider-
ations therein mentioned respectively, the said Canal Company
conveyed to John Strettel Brickwood, the Secretary of the said
Commissioners, all the Rates and Tolls of the said Canal receivable
under the said Acts authorizing and enabling the Construction of 25
the same, and all the Freehold and Leasehold Tenements and
Premises of the said Company, subject to Redemption on Payment
by the said Company of the said Principal Sums so advanced, and
of all Interest thereon, by such Instalments as were thereby pro-
vided: And whereas an Act was passed in the Sixth Year of His said 30
late Majesty King William the Fourth, being an Act to amend and
enlarge the Powers and Provisions of the several Acts for making
and maintaining the Ulster Canal in the Counties of Fermanagh,
Monaghan, and Armagh in Ireland, and thereby the said Canal
Company was empowered to make certain Deviations from the Line 35
or Course of the said Canal, and to make and maintain a certain
Reservoir at Quigalough in the County of Monaghan, for the
Purpose of supplying the said Canal with Water, with Aque-
ducts, Pipes, and other Works necessary for such Reservoir, and
for the Purpose of such Deviations and of such Reservoir and 40
other Works; and the said Company was empowered to acquire
other Lands as therein provided; and it was thereby enacted,
that all Powers, Authorities, Lands, Works, and Property what-
soever which should become vested in the said Company by
virtue of the said Acts should form Part of the Premises and 45
Property

Property so assigned and conveyed by way of Mortgage to the said John Strettel Brickwood as aforesaid: And whereas Three several further Sums of Twenty thousand Pounds each were advanced by the said Loan Commissioners to the said Canal Com-
5 pany, and by Three several further Indentures of Mortgage of the said Canal and Undertaking, bearing Date respectively the Seventh Day of June One thousand eight hundred and thirty-six, the Eleventh Day of October One thousand eight hundred and thirty-six, and the Ninth Day of May One thousand eight hundred and
10 thirty-seven, the Repayment of the said Three several last-mentioned Sums was secured to the said Commissioners, payable by Instalments as therein respectively provided: And whereas by virtue of the Provisions of the said Six several Indentures of Mortgage it was provided, that the said Six several Sums of Twenty thousand Pounds
15 should be repaid by the Payment of Six several Sums of Five thousand Pounds each on the Twelfth Day of August One thousand eight hundred and thirty-eight, and by Fifteen subsequent equal yearly Instalments on the Twelfth of August in the Fifteen subsequent Years: And whereas by a certain Indenture of Mortgage,
20 bearing Date the Thirty-first Day of October One thousand eight hundred and forty, and made between the said Ulster Canal Company of the First Part, Sir John Fox Burgoyne, Brooke Taylor Ottley, and John Radcliffe, Esquires, Commissioners of Public Works in Ireland, of the Second Part, and Henry Richard Paine, then Secretary to the said Commissioners of Public Works, of the
25 Third Part, in consideration of a further Sum of Ten thousand Pounds agreed to be advanced by the said Commissioners of Public Works to the said Ulster Canal Company, all the said Canal and Undertaking, and the Rents and Tolls thereof, and all the several Hereditaments and Premises in the said Indenture of Mortgage particularly described, and acquired by the Canal Company for the Purpose of their
30 said Undertaking, were conveyed to the said Henry Richard Paine as such Secretary as aforesaid (subject nevertheless to the said Securities of the said Loan Commissioners), by way of Mortgage, and
35 in order to secure the Repayment of the said Sum of Ten thousand Pounds by certain half-yearly Instalments as therein provided: And whereas by a certain Indenture of Demise bearing Date the Twenty-sixth Day of March One thousand eight hundred and fifty-one, and made between the said John S. Brickwood of the one
40 Part, and William Dargan of the other Part, after reciting the said Six several Indentures of Mortgage firstly herein-before mentioned, and reciting, as the Fact was, that the whole of the said Sum of One hundred and twenty thousand Pounds was due and unpaid, the said John Strettel Brickwood, as such Secretary as aforesaid,
45 and by virtue of the Statutes enabling the said Commissioners in
[211.] A 2 that

Three further Mortgages executed by the Company.

A further Mortgage to the Commissioners of Public Works in Ireland.

Indenture of Demise of 26th March 1851.

that Behalf demised all the said Canal and Undertaking, and the Rates and Tolls thereof, to the said William Dargan, for the Term of Fourteen Years, computed from the First Day of January One thousand eight hundred and fifty-one, subject to the yearly Rent of Four hundred Pounds, and to a further Rent of Twenty Pounds 5 for every One thousand Tons of Traffic on the said Canal exceeding Twenty thousand Tons, in manner therein mentioned : And whereas the said Lease expired by Effluxion of Time on the First Day of January One thousand eight hundred and sixty-five : And whereas no Part of the said Sum of One hundred and twenty thousand Pounds so advanced by the said Public Loan Commissioners, or of the said Sum of Ten thousand Pounds advanced by the said Commissioners of Public Works, has ever been repaid, but the same, together with large Arrears of Interest thereon respectively, still remain due and owing, and the whole Amount so due on Foot of 15 the said Securities greatly exceeds the Value of the said Canal and Undertaking and Premises so subject to the said Mortgages, and the said Canal has long since ceased to be occupied or worked by the said Canal Company, and the same is now in possession of the said Public Works Loan Commissioners : And whereas the said Canal 20 and Works have fallen into Disrepair in many Places, and it is expedient that Provision should be made for the Repair thereof, and it may be necessary to acquire further Rights in Water for the Supply of the same, and also to construct further Works in connexion with the said Canal, and it is expedient to transfer the said 25 Canal and Undertaking and all Property thereof to the Commissioners of Public Works in Ireland, for the Purposes herein-after expressed : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 30 and by the Authority of the same, as follows :

Canal and Undertaking transferred to the Commissioners of Public Works in Ireland.

1. All the said Canal called the Ulster Canal, and all the Undertaking of the same, together with all the Powers, Privileges, and Authorities vested in the said Ulster Canal Company by any of the Acts constituting or enabling such Company, whether of levying 35 and receiving Tolls, Rates, or otherwise, and all the Works and Property of the said Company, and all Lands, Tenements, and Hereditaments at any Time heretofore acquired by or vested in the same Company, together with all the Appurtenances thereof, and all the Estate, Right, Title, and Interest of the said Company in or 40 to the same, shall, from and after *the passing of this Act*, be vested in the Commissioners of Public Works in Ireland, freed and discharged from all Estates, Charges, and Incumbrances heretofore made, permitted, or suffered by the said Canal Company.

2. The

2. The said Commissioners of Public Works, for the Purposes of this Act, shall be incorporated under the Style of the Commissioners of Public Works in Ireland, and by that Name shall have perpetual Succession, and a Common Seal, to be by them made, and
5 from Time to Time altered, as they shall think fit.

The Commissioners of Public Works to be a Corporation for the Purposes of this Act.

3. It shall be lawful for the said Commissioners, with the Sanction of the Lords Commissioners of Her Majesty's Treasury, to acquire any Waters, Lands, Tenements, and Hereditaments which may be necessary or convenient for the said Canal, either by Purchase or by way of Lease.
10

Power to acquire Water and Lands, &c.

4. For the Purpose of empowering the said Commissioners to purchase or take any such Waters, Lands, or Hereditaments, and of enabling all Corporations, Bodies Politic, and other Persons to convey the same, and for the Purpose of ascertaining the Purchase Money or Compensation to be paid for the same, and the Disposition of such Purchase Money or Compensation, all and every the statutory Enactments now in force, and enabling any Railway Company in Ireland to acquire Lands for the Purpose of its Undertaking, shall be deemed to be incorporated with this Act, and the
20 said Commissioners shall be deemed the Promoters, and this Act shall be deemed the Special Act, within the Meaning of the said statutory Enactments.

Railway Companies Acts available.

5. *It shall be lawful for the said Lords Commissioners of Her Majesty's Treasury, out of the Consolidated Fund, to advance to the said Commissioners of Public Works any Sums of Money not exceeding in the whole the Sum of*
25 *to be expended upon the necessary Repairs of the said Canal and Works, and the Purchase and Acquisition of any Waters, Lands, or Hereditaments which the said Commissioners of Public Works, with the Sanction of the said Commissioners of the Treasury, may desire to acquire for the Purposes of the said Canal.*
30

The Treasury may advance Money for the Purpose of Repairs and Purchases.

6. It shall be lawful for the said Commissioners of Public Works, with the Sanction of the Lords Commissioners of Her Majesty's Treasury, to sell and convey or lease the said Canal and Undertaking, and all the Lands, Tenements, Waters, and other Matters and Things appurtenant to the same, for such Price, or, in the Case of any such Lease, for such Term of Years, at such Rent, and with or without the Payment of any Fine, and generally upon such Terms as the said Commissioners of Public Works may think
35 proper; and every Conveyance or Lease of the said Canal and Undertaking in pursuance of this Act shall be effectual to transfer
40

Commissioners may sell or demise.

to the Purchaser or Lessee all the Premises expressed to be thereby conveyed or demised, for all the Estate purporting to be thereby transferred, freed and discharged of all prior Estates, Charges, and Incumbrances created or suffered by the said Canal Company or their Assigns. 5

Sale or Lease
valid.

7. Any such Sale and Conveyance or Lease (as the Case may be) may be made to any Person or Persons, or to any public Company which may be empowered to purchase the said Canal and Premises, or to take the same on Lease.

The Com-
missioners to
possess the
Powers of
the Canal
Company.

8. The said Commissioners of Public Works, so long as they may manage the said Canal, and every such Person or Persons or public Company as aforesaid, from and after such Purchase or Lease, and so long as the said Canal and Premises shall be vested in such Purchasers or Lessees, shall possess all the Rights, Authorities, and Privileges, and be subject to all the Liabilities, which the said Canal Company would have possessed or would have been subject to had such Canal Company continued to possess and manage the said Canal and Premises. 10 15

Application
of Tolls,
Rates, &c.

9. All Sums of Money received by the said Commissioners of Public Works in respect of any such Sale or Lease as aforesaid, and the Surplus of all Monies received by them for Rates, Tolls, and Profits, in the Management of the said Canal, and which shall remain after defraying the current Expenses thereof, shall be applied in the first place to the Payment of all Sums due for Principal and Interest on Foot of the Advances of public Money so made to the said Canal Company in the Manner herein-before mentioned, and the Interest due thereon, and in the next place to the Payment of all Sums advanced and Expenses incurred by virtue of this Act, with Interest thereon at the Rate of Four per Centum per Annum from the Time such Advances shall have been made or Expenses incurred, or in such other Manner as the Lords Commissioners of Her Majesty's Treasury may from Time to Time direct. 20 25 30

Enactments
in 1 & 2
W. 4. c. 33.
extended to
this Act.

10. And be it enacted, That the several Enactments contained in an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for the Extension and Promotion of "Public Works in Ireland," which affect or relate to any Action or Suit to be commenced against the Commissioners for the Execution of the last-recited Act, or any Person or Persons, for anything done by virtue of or in pursuance of the last-recited Act, or any Proceedings in any such Action or Suit, or any Limitation of Time for 35 40

for the Commencement thereof, or any Costs thereof, or any Evidence to be given therein, or any Notice of Action or Suit, or Satisfaction or Tender thereof, or any Action or Suit to be commenced by the said Commissioners, or any Proceedings therein, or
5 any Abatement or Discontinuance of any such Action or Suit, or to the Court in which, or to the Terms or Conditions on which, any such Action or Suit shall be brought against the said Commissioners, collectively or individually, shall, so far as the same are applicable, be held to apply to and extend to any Action or Suit to be com-
10 menced against the Commissioners of Public Works in Ireland, or any Person or Persons, for anything done by virtue of, or in pursuance of, or on account of this Act, or to any Proceedings in or relating to any such Action or Suit.

Ulster Canal Transfer.

A

B I L L

For transferring the Ulster Canal to the
Commissioners of Public Works in
Ireland.

(*Prepared and brought in by
Mr. Peel and Mr. Luke White.*)

*Ordered, by The House of Commons, to be Printed,
13 June 1865.*

[Bill 211.]

Under 1 oz.



A

B I L L

TO

Amend an Act passed in the Twenty-third and
Twenty-fourth Years of the Reign of Her
present Majesty, intituled “An Act to make
“ better Provision for the Union of contiguous
“ Benefices in Cities, Towns, and Boroughs.”

WHEREAS by the Act of the Session of Parliament of the Preamble.
Twenty-third and Twenty-fourth Years of the Reign of 23 & 24 Vict.
Her present Majesty, Chapter One hundred and forty- c. 142. s. 17.
two, Provision is made for the Union of contiguous Benefices
5 within the Metropolis; and by the Seventeenth Section of the said
Act it is (amongst other things) provided, that nothing in the said
Act contained shall legalize the Sale or Letting or Appropriation
of the Site of any Church, unless with the Consents in Writing of
the Archbishop of the Province, the Bishop of the Diocese, the
10 Archdeacon, and the Secretary of State for the Home Department:
And whereas it is expedient to amend the said Act: Be it therefore
enacted by the Queen’s most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and
[Bill 115.] Commons,

Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

So much of
17th Section
of recited
Act as re-
quires Arch-
deacon's
Consent to
Sale, &c. of
Church Sites
repealed.

1. So much of the Seventeenth Section of the recited Act as makes the Consent in Writing of the Archdeacon necessary to the Sale or Letting or Appropriation of the Site of any Church shall be 5 and the same is hereby repealed ; and any Order in Council already made under the Provisions of the said Act whereby the Consent of the Archdeacon is made requisite to any of the Provisions of such Order, or of the Scheme thereby affirmed, shall operate and take effect as if such Consent of the Archdeacon had not been thereby 10 made requisite.

Act and
recited
Act to be
construed
together.

2. This Act shall be read and construed as Part of the said recited Act.

Union of Benefices Act Amendment.

A

B I L L

To amend an Act passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, intituled "An Act to make better Pro-
" vision for the Union of contiguous
" Benefices in Cities, Towns, and
" Boroughs."

*(Prepared and brought in by
Mr. Edward Pleydell Bouverie and
Mr. Goschen.)*

*Ordered, by The House of Commons, to be Printed,
26 April 1865.*

[Bill 115.]

Under 1 oz.



A

B I L L

TO

Provide for the better Distribution of the Relief of the Poor in Unions.

WHEREAS it is expedient to make Provision for the better Distribution of the Charge for the Relief of the Poor in Unions than is by Law now established: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. From and after the *Twenty-fifth Day of March One thousand eight hundred and sixty-six*, so much of the Twenty-sixth Section of the Fourth and Fifth William the Fourth, Chapter Seventy-six, as requires that each of the Parishes in a Union formed under the Authority of that Act shall be separately chargeable with and liable to defray the Expense of its own Poor, whether relieved in or out of the Workhouse of such Union, shall be repealed, and all the Cost of the Relief to the Poor in such Union thenceforth incurred shall be charged upon the Common Fund thereof.

Repeal of the
4 & 5 W. 4.
c. 76. s. 26.
Provision.
The Relief
of all the
Poor in
Unions to be
charged to
the Common
Fund.

2. When any Pauper relieved in any such Union shall be settled in any Parish situated in another Union or subject to a Board of Guardians, and shall not be exempt from Removal by reason of any
[Bill 31.] Provision
Guardians
in Unions
may obtain
Orders of

Removal in
respect of
Paupers
settled else-
where.

Provision of the Law, the Guardians of the Union to which such Pauper shall be chargeable may obtain an Order of Removal to the Union or Parish as aforesaid in which such Pauper shall be settled, and the Guardians of such last-mentioned Union or Parish shall receive such Pauper in like Manner and subject to the like 5 Incidents and Consequences as in the Case of Orders of Removals heretofore obtained by Overseers, with such Modifications as may be necessary to meet the Circumstances of the Chargeability to the Union instead of the Parish.

Guardians
may defend
and may ap-
peal against
Orders of
Removal.

3. The Guardians obtaining such Order may defend the same, 10 and the Guardians upon whom it shall be made may appeal against the same, in like Manner and with the like Incidents and Consequences as in the Case of Orders obtained or appealed against by Overseers.

Provided that every Appeal now pending may be continued and 15 determined as though this Act had not been passed.

Guardians
may remove
without
Orders
where there
is Consent.

4. Where the Guardians of any Union or Parish shall be satisfied that any Pauper is settled within and removable to their Union or Parish, and shall consent under their Common Seal to receive such Pauper without an Order of Removal, the Guardians seeking to 20 remove such Pauper may do so without any such Order.

Paupers re-
moving after
Order of
Removal
punishable
as Vagrants.

5. Any Pauper removed under an Order of Removal obtained by the Guardians of any such Union returning to and becoming chargeable to such last-mentioned Union again within the Period of *Twelve Months* from such Removal, without the Consent of the 25 Guardians thereof, shall be deemed to be an idle and disorderly Person within the Meaning of the Statute Fifth George the Fourth, Chapter Eighty-three, and be liable to be convicted and punished as such.

Costs of
Prosecutions
to be
charged to
the Common
Fund.

6. The Costs and Expenses lawfully incurred in and about the 30 Prosecution of any Person for which the Guardians of the Union may be liable, or which they undertake to pay, under the Fifty-ninth Section of the Seventh and Eighth Victoria, Chapter One hundred and one, shall in all Cases be charged to the Common Fund. 35

Poor Law
Board to
make all
requisite
Orders.

7. The Poor Law Board shall, as soon as convenient, make all such Orders as may be requisite to render the Provisions of this Act applicable to the Proceedings and Accounts of the Guardians of Unions and of Overseers of Parishes comprised therein.

8. The

8. The Guardians shall distribute the Charges upon the Common Fund during and at the Close of every *Half Year* in the Proportions according to which the Orders for the Contributions were made upon the several Parishes comprised in such Unions at the Com-
5 mencement of such *Half Year*, notwithstanding the Change which may be made in the Valuation List of any Parish during such Period.

Computation
of the
Charges on
the Common
Fund.

9. Except as herein provided, no Alteration shall be made in respect of the Settlement of poor Persons in Parishes.

Saving of
Settlements
in other
respects.

10 10. The Words herein used shall be interpreted in the Manner prescribed by the Statute of the Fourth and Fifth Years of William the Fourth, Chapter Seventy-six, and the subsequent Acts amending or explaining the same.

Interpreta-
tion Clause.

14

Union Chargeability.

A

B I L L

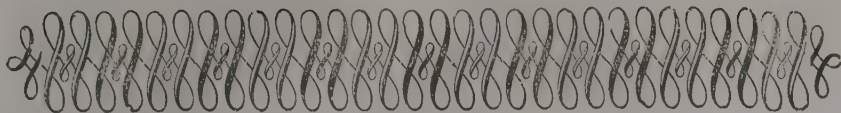
To provide for the better Distribution
of the Relief of the Poor in Unions.

(Prepared and brought in by
Mr. Villiers and Sir George Grey.)

*Ordered, by The House of Commons, to be Printed,
20 February 1865.*

[Bill 31.]

Under 1 oz.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for the better Distribution of the Charge for the Relief of the Poor in Unions.

WHEREAS it is expedient to make Provision for the ^{Preamble.}
better Distribution of the Charge for the Relief of the
Poor in Unions than is by Law now established: Be it
therefore enacted by the Queen's most Excellent Majesty, by and
5 with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows :

1. From and after the Twenty-fifth Day of March One thousand
eight hundred and sixty-six, so much of the Twenty-sixth Section of
10 the Fourth and Fifth William the Fourth, Chapter Seventy-six, as
requires that each of the Parishes in a Union formed under the
Authority of that Act shall be separately chargeable with and liable
to defray the Expense of its own Poor, whether relieved in or out
of the Workhouse of such Union, shall, subject to the Provisions
15 herein-after contained, be repealed, and all the Cost of the Relief
to the Poor, and the Expenses of the Burial of the dead Body of
any poor Person under the Direction of the Guardians, or any of
their Officers duly authorized, in such Union thenceforth incurred,
[Bill 155.] A and
- Repeal of the
4 & 5 W. 4.
c. 76. s. 26.
Provision.
The Relief
of all the
Poor in
Unions to be
charged to
the Common
Fund.

and all Charges thenceforth incurred by the Guardians of such Union in respect of Vaccination and Registration Fees and Expenses, shall be charged upon the Common Fund thereof.

Guardians
in Unions
may obtain
Orders of
Removal in
respect of
Paupers
settled else-
where.

2. When any Pauper relieved in any such Union shall be settled in any Parish situated in another Union or subject to a Board of 5 Guardians, and shall not be exempt from Removal by reason of any Provision of the Law, the Guardians of the Union to which such Pauper shall be chargeable may obtain an Order of Removal to the Union or Parish as aforesaid in which such Pauper shall be settled, and the Guardians of such last-mentioned Union or Parish 10 shall receive such Pauper in like Manner and subject to the like Incidents and Consequences as in the Case of Orders of Removals heretofore obtained by Overseers, with such Modifications as may be necessary to meet the Circumstances of the Chargeability to the Union instead of the Parish: Provided that from and after the 15 Twenty-fifth Day of March One thousand eight hundred and sixty-six, the Period of One Year shall be substituted for that of Three Years specified in the First Section of the Statute, Twenty-fourth and Twenty-fifth of Victoria, Chapter Fifty-five.

Guardians
may defend
and may ap-
peal against
Orders of
Removal.

3. The Guardians obtaining such Order may defend the same, 20 and the Guardians upon whom it shall be made may appeal against the same, in like Manner and with the like Incidents and Consequences as in the Case of Orders obtained or appealed against by Overseers.

Provided that every Appeal now pending may be continued and 25 determined as though this Act had not been passed.

CLAUSE A.
Signature
and Service
of Notices
and other
Documents.

4. Every Notice, Statement, Demand, or other Document required to be given by any such Guardians in respect of any Order of Removal shall be deemed to be sufficiently authenticated if signed by their Clerk in their Name, and shall be deemed to be 30 duly served upon the Guardians to whom it shall be addressed if it be delivered to their Clerk personally, or be left at his Office, or be sent through the Post addressed to him at such Office.

CLAUSE
Guardians
empowered
to call for
Books and
Papers from
the Over-
seers.

5. For better enabling the Guardians to obtain such Orders of Removal, or to appeal against the same, they may order the Over- 35 seers of the Poor, or any Officer or other Person having the Custody of any Books, Papers, Documents, or Writings of or belonging to any Parish in their Union, to produce the same, upon reasonable Notice to the Board of Guardians, or to their Clerk or other Person appointed by them, and shall allow Copies or Extracts to be taken 40 therefrom for the Use of such Guardians, without Fee or Reward.

6. Where

6. Where the Guardians of any Union or Parish shall be satisfied that any Pauper is settled within and removable to their Union or Parish, and shall consent under their Common Seal to receive such Pauper without an Order of Removal, the Guardians seeking to remove such Pauper may do so without any such Order.

Guardians may remove without Orders where there is Consent.

7. Any Pauper removed under an Order of Removal obtained by the Guardians of any such Union returning to and becoming chargeable to such last-mentioned Union again within the Period of Twelve Months from such Removal, without the Consent of the Guardians thereof, shall be deemed to be an idle and disorderly Person within the Meaning of the Statute Fifth George the Fourth, Chapter Eighty-three, and be liable to be convicted and punished as such.

Paupers removing after Order of Removal punishable as Vagrants.

8. The Costs and Expenses lawfully incurred in and about the Prosecution of any Person for which the Guardians of the Union may be liable, or which they undertake to pay, under the Fifty-ninth Section of the Seventh and Eighth Victoria, Chapter One hundred and one, shall in all Cases be charged to the Common Fund.

Costs of Prosecutions to be charged to the Common Fund.

9. For the Purposes of the Burial of any poor Person dying in the Workhouse of any Union, such Workhouse shall be considered as situated in the Parish in the Union where such poor Person resided last, previously to his Removal to the Workhouse; and all Fees for registering Births and Deaths in the same shall be charged by the Guardians to the Common Fund.

CLAUSE C.
Provision for Deaths in the Workhouse; and for Registration Fees.

10. The Poor Law Board shall, as soon as convenient, make all such Orders as may be requisite to render the Provisions of this Act applicable to the Proceedings and Accounts of the Guardians of Unions and of Overseers of Parishes comprised therein.

Poor Law Board to make all requisite Orders.

11. The Guardians shall distribute the Charges upon the Common Fund during and at the Close of every Half Year in the Proportions according to which the Orders for the Contributions to the Common Fund were made upon the several Parishes comprised in such Unions at the Commencement of such Half Year, notwithstanding the Change which may be made in the Valuation List of any Parish during such Period.

Computation of the Charges on the Common Fund.

12. Except as herein provided, no Alteration shall be made in respect of the Settlement of poor Persons in Parishes.

Saving of Settlements in other respects.

CLAUSE D.
Unions
under Local
Acts enabled
to avail
themselves
of this Act.

13. If in any Union or Incorporation for the Relief of the Poor, where the Cost thereof is not borne by a Common Fund, the Body having under the Constitution of such Union or Incorporation the Management of such Relief shall be desirous of adopting the Provisions of this Act, such Body may, on a Resolution to that Effect 5 of a Majority at Two successive Meetings, by Writing under the Hand of the presiding Chairman of the Second of such Meetings, apply to the Poor Law Board to be included in this Act; and, upon the Consent of that Board being given under its Seal to such Application, and subject to such Terms and Conditions as that 10 Board may deem requisite, such Union or Incorporation shall be so included from such Time as the said Board shall declare; and such Consent so signified shall be Evidence that such Application was in all respects duly made according to the Provisions above mentioned. 15

CLAUSE E.
Calls for
Money in
advance to
be made on
the Over-
seers of the
several
Parishes.

14. When this Act has been adopted by any such Union or Incorporation as aforesaid, and such Adoption has been legally brought into operation in such Union or Incorporation, the Body having the Management of the Relief of the Poor therein shall from Time to Time make Calls in advance for Money for the Relief 20 of such Poor upon the Overseers of the several Parishes therein respectively, on the Basis of an equal Pound Rate on the annual Value of the Property in each Parish rateable to the Relief of the Poor according to the Law in force for the Time being, and shall have the same Powers of enforcing such Calls as they now possess 25 under the Provisions of such Local Act for enforcing Calls or Rates for the Relief of the Poor; and such Overseers shall have the same Powers for making, levying, and enforcing Rates to meet and pay such Calls as they now possess, either under the Provisions of such Local Act or the General Law relating to the making, levying, and 30 enforcing Rates for the Relief of the Poor.

Interpreta-
tion Clause.

15. The Words herein used shall be interpreted in the Manner prescribed by the Statute of the Fourth and Fifth Years of William the Fourth, Chapter Seventy-six, and the subsequent Acts amending or explaining the same and the Provisions in such Acts which 35 apply to poor Persons rendered chargeable upon the Common Fund by reason of their having become irremoveable through the Operation of the Statutes in that Behalf shall apply to all the Poor in the Union hereby rendered chargeable upon the Common Fund.

Union Chargeability.

A

B I L L

[AS AMENDED IN COMMITTEE]

to provide for the better Distribution
of the Charge for the Relief of the
Poor in Unions.

(Prepared and brought in by
Mr. Villiers and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
18 May 1865.

[Bill 155.]

Under 1 oz.



A

B I L L

TO

Provide for Superannuation Allowances to Officers of Unions in Ireland.

WHEREAS it is expedient that Provision should be made to enable Superannuation Allowances to be granted to Officers of Unions in Ireland who become disabled by Infirmary or Age to discharge the Duties of their Offices: Be it
5 therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. That the Guardians of any Union in Ireland may, at their
10 Discretion, with the Consent of the Commissioners for administering the Laws for Relief of the Poor in Ireland, grant to any Officer whose whole Time has been devoted to the Service of the Union, and who shall become incapable of discharging the Duties of his Office with Efficiency, by reason of permanent Infirmary of Mind
15 or Body, or of old Age, upon his resigning or otherwise ceasing to hold his Office, an annual Allowance not exceeding in any Case *Two Thirds* of his then Salary and Emoluments, and shall charge such Allowance to the same Account as that to which such Salary
- Power to Guardians, with Consent of Poor Law Commissioners, to grant Superannuation Allowances to Officers in certain Cases.
- [Bill 53.] and

and Emoluments would have been charged if he had continued in his Office.

Such Allowances not to be assignable.

2. This Allowance shall be payable to or in trust for such Officer only, and shall not be assignable nor chargeable with his Debts or other Liabilities.

5

Limitation of Grants of Allowances.

3. No Officer shall be entitled to such Allowance on the Ground of Age who shall not have completed the full Age of *Sixty Years*, and shall not have served as an Union Officer for *Twenty Years* at the least.

Notice of Grant to be given to Guardians.

4. No Grant shall be made without *One Month's* previous Notice, to be specially given in Writing to every Guardian of the Union, of the Proposal to make such Grant, and the Time when it shall be brought forward.

Interpretation of Words herein used.

5. The Words herein used shall be interpreted in the Manner prescribed by the Acts in force for the Relief of the destitute Poor in Ireland.

15

Union Officers (Ireland) Superannuation.

A

B I L L

To provide for Superannuation Allowances to Officers of Unions in Ireland.

(Prepared and brought in by
Sir Robert Peel and Mr. Villiers.)

*Ordered, by The House of Commons, to be Printed,
7 March 1865.*

[Bill 53.]

Under 1 oz.



A

B I L L

INTITULED

An Act to enable Her Majesty's Secretary of State
for the War Department to lay down and use a
Tramway or temporary Railway across certain
public Roads in the County of Devon.

WHEREAS in the Construction of Works for the North-
eastern Defence of Plymouth, by Her Majesty's Principal
Secretary of State for the War Department, upon Lands
acquired by the said Principal Secretary under the Powers of the
5 Defence Act, 1860, it has been found necessary to lay down a
Tramway or temporary Railway to connect the Sites of the several
Forts or Batteries, and during the Construction of such Works of
Defence to use a Locomotive Engine for the drawing or propelling
of Waggon and Trucks thereon: And whereas the Course of such
10 Tramway or Railway runs across certain Highway and Turnpike
Roads situated in the Parishes of Saint Budeaux, Tamerton Foliot,
and Egg Buckland, in the County of Devon; and it is necessary
and expedient that the Construction and Use of such Tramway or
Railway, so far as the same crosses such Roads or Ways, should
15 be sanctioned by Parliament: Be it enacted by the Queen's most
[Bill 204.] Excellent

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Tramway
or Railway
across Roads
in Devon-
shire to be
continued
or made by
Order of
Secretary
of State.

1. It shall be lawful for the said Principal Secretary to order and 5
direct that any existing Tramway or Railway may be continued
and maintained, or that any Tramway or Railway hereafter required
may be made, over and across any public Road or Highway situated
in the Parishes aforesaid, and that the same may be used for the
Passage of any Locomotive Engines, Waggons, and Trucks, at such 10
Times and subject to such Regulations as to the said Principal
Secretary shall seem meet.

Gates to be
made to
fence in
Railway, &c.,
and Persons
to be em-
ployed to
attend said
Gates.

2. The said Principal Secretary shall forthwith erect and main-
tain good and sufficient Gates across such Roads on each Side of 15
the Tramway or Railway where the same shall communicate there-
with, and shall employ proper Persons to open and shut such Gates,
and such Gates shall be kept constantly closed at such Times as the
said Principal Secretary shall think fit to order, and such Gates
shall be of such Dimensions and so constructed as when closed to
fence in the said Tramway or Railway, and prevent Cattle or Horses 20
passing along the Road from entering upon the said Tramway or
Railway.

Compensa-
tion for Loss
of Tolls on
Roads to be
made.

3. The said Principal Secretary shall, out of Monies voted by
Parliament for the Construction of the said Works, make Com-
pensation for Loss of Toll (if any) that may be shown to have been 25
occasioned by or to arise from the Construction of any Tramway or
Railway across any Turnpike Road, and out of the same Monies to
restore and reinstate, upon the Completion of the said Works, the
said Roads or Highways, in the same State and Condition in which
the same were before the said Tramway or Railway was laid across 30
the same.

Duration
of Powers
and Indem-
nification
of Secretary
of State.

4. The Powers conferred by this Act shall be exercised by the
said Principal Secretary only within Three Years after the passing
of the same, and the said Principal Secretary shall not by reason of
anything done or omitted to be done under this Act be liable to any 35
Fine, Penalty, or Forfeiture, or to the Execution of any Process
against his Person or Property.

War Department Tramway (Devon).

A

B I L L

INTITULED

An Act to enable Her Majesty's Secretary of State for the War Department to lay down and use a Tramway or temporary Railway across certain public Roads in the County of Devon.

(Brought from the Lords 2 June 1865.)

*Ordered, by The House of Commons, to be Printed,
8 June 1865.*

[Bill 204.]
Under 1 oz.

Waterworks Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

1. Short Title.
 2. Interpretation.
 3. Application of 26 & 27 Vict. c. 93. ss. 3 to 11. to all Reservoirs.
 4. Undertakers may acquire additional Land under Certificate of Board of Trade.
 5. Notice of Application and Opposition thereto.
 6. In case of Accident Board of Trade may authorize temporary Occupation of adjoining Lands.
 7. Undertakers, in case of Urgency, may enter on adjoining Lands.
 8. Liability of Undertakers for Damages.
-



A

B I L L

TO

Amend the Law relating to Waterworks.

WHEREAS it is expedient to make better Provision Preamble.
 respecting the Security of Waterworks Reservoirs, and
 the Liability of the Undertakers in case of Accident, and
 otherwise to amend the Law relating to Waterworks :

5 Be it therefore enacted by the Queen's most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled, and
 by the Authority of the same, as follows :

1. This Act may be cited as The Waterworks Act, 1865. Short Title.

10 2. In this Act— Interpreta-
 The Term "Undertakers of Waterworks" or "the Undertakers" tion.

means a Company, Corporation, or Body, or Persons authorized
 to construct Waterworks by any Special Act of Parliament
 passed or to be passed, or being Proprietors of Waterworks
 authorized by any such Special Act :

15 The Term "the Lands Clauses Acts" means with respect to
 England The Lands Clauses Consolidation Act, 1845, and with
 respect to Scotland The Lands Clauses Consolidation (Scot-
 [Bill 112.] A land)

land) Act, 1845, with, in each Case, The Lands Clauses Consolidation Acts Amendment Act, 1860, and with respect to Ireland, The Railways Act (Ireland), 1851, with Acts incorporated in or amending that Act.

Applica-
tion of
26 & 27 Vict.
c. 93. ss. 3 to
11. to all Re-
servoirs.

3. The Provisions of The Waterworks Clauses Act, 1863, with 5
respect to the Security of the Reservoirs constructed by the Under-
takers, shall extend and apply to all Reservoirs authorized by any
Act of Parliament passed before the Commencement of the Session
of the Twenty-seventh and Twenty-eighth Years of Her Majesty's
Reign, as if those Provisions had been incorporated in every such 10
Act, and that notwithstanding any Provisions of the like Nature or
for the like Purpose in any such Act contained.

Undertakers
may acquire
additional
Land under
Certificate
of Board of
Trade.

4. If, on the Application of the Undertakers of any Waterworks,
the Board of Trade certify that the Public Safety requires that
additional Lands specified in the Certificate be taken by the Under- 15
takers for the Purpose of giving increased Width to any Embank-
ment of the Undertakers, (whether completed or in course of
Construction), or of executing Works with a view to the Repair
of any Reservoir, Embankment, or Work of the Undertakers, or to
the Prevention of any Accident apprehended thereto, then and in 20
every such Case the Undertakers may, subject and according to the
Provisions of the Lands Clauses Acts (which Acts are hereby incor-
porated with this Act, and for the Purposes of which Acts this Act
and the Certificate together shall be deemed "the Special Act"),
and within the Time prescribed in the Certificate, enter on, take, 25
and use all or any Part of the Lands specified in the Certificate.

Notice of
Application,
and Opposi-
tion thereto.

5. Where the Undertakers of any Waterworks intend to apply
to the Board of Trade for such a Certificate they shall, *Fourteen*
Days at least before making the Application, serve Notice of their
Intention to make the same on the Parties interested in or entitled 30
to sell the Lands proposed to be taken, in the Manner in which
Notices required to be served by Promoters of an Undertaking on
the like Parties are by the Lands Clauses Acts directed to be served,
stating in the Notice the Particulars of the Lands proposed to be
taken; and if any such Party, within the said Period of *Fourteen* 35
Days, applies to the Board of Trade to be heard against the Certifi-
cate he shall be heard before the Certificate is given; and in that
Case, where the Certificate is refused, the Undertakers shall, if
required by the Board of Trade, pay to the Party resisting their
Application the Expenses incurred by him in that Behalf, the 40
Amount thereof to be determined by the Board of Trade.

6. In

6. In case of any Accident happening, or being apprehended, to any Reservoir, Embankment, or other Work of the Undertakers of any Waterworks, the Board of Trade may authorize the Undertakers to enter on and occupy temporarily any Lands adjoining thereto, for the Purpose of repairing the same or preventing the Occurrence of such Accident, and to execute Works necessary for that Purpose; so that all Works so executed be as little injurious to the Lands entered on as the Circumstances admit, and be executed with all possible Despatch; and so that full Compensation be made by the Undertakers to all Persons sustaining Damage by reason of the exercise by the Undertakers of the Powers of this Section, the Title to and Amount and Application of such Compensation, if disputed, to be determined in manner provided by the Lands Clauses Acts for Determination of the Title to and Amount and Application of Compensation for Lands injuriously affected.

In case of Accident Board of Trade may authorize temporary Occupation of adjoining Lands.

7. In case of great Urgency the Undertakers may enter on such adjoining Lands, and execute such Works as aforesaid, without having previously obtained from the Board of Trade Authority to do so; but in every such Case the Undertakers shall, within *Forty-eight Hours* after so entering, make a Report to the Board of Trade, specifying the Nature of the Accident or apprehended Accident, and of the requisite Works; and if the Board of Trade, after considering the Report, certify their Opinion that the Exercise by the Undertakers of the Powers of this Section are not necessary for the Public Safety, then the Powers of this Section shall absolutely cease to be exercised by the Undertakers.

Undertakers, in case of Urgency, may enter on adjoining Lands.

8. The Undertakers of Waterworks shall be liable to make good to Owners, Lessees, and Occupiers of Lands and all other Persons all Damage of what Nature or Kind soever, as well immediate as consequential, incurred by such Owners, Lessees, or Occupiers, or other Persons, by reason or in consequence of the giving way or Failure of any Reservoir, Embankment, or other Work of the Undertakers constructed otherwise than under the Authority of an Act of Parliament passed in the present or any previous Session.

Liability of Undertakers for Damages.

Waterworks.

A

BILL

To amend the Law relating to Water-
works.

(Prepared and brought in by
Mr. Milner Gibson and Mr. Baring.)

*Ordered, by The House of Commons, to be Printed,
24 April 1865.*

[Bill 112.]

Under 10s.



A

B I L L

TO

Shorten the Time for fixing the Day of Election of Members to serve in Parliament for the Districts comprehending Kirkwall, Wick, Dornoch, Dingwall, Tain, Cromarty, Ayr, Irvine, Campbelltown, Inverary, and Oban.

WHEREAS an Act was passed in the Second and Third Years of the Reign of King William the Fourth, intituled “An Act to amend the Representation of the People in 2 & 3 W. 4. c. 65.
“Scotland,” whereby it is provided that the Day of Election of
5 Members to serve in Parliament shall be not less than Ten nor more than Sixteen Days after the Day on which the Writ is received by the Sheriff: And whereas by an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, the Time for 5 & 6 W. 4. c. 78.
fixing the Day of Election of Members to serve in Parliament for
10 Cities, Burghs, and Towns, or Districts of Cities, Burghs, and Towns, in Scotland was shortened to not less than Four nor more than Ten Days after the Day on which the Writ is received, except in the Districts comprehending Kirkwall, Wick, Dornoch, Dingwall, Tain, Cromarty, Ayr, Irvine, Campbelltown, Inverary, and Oban, wherein it
15 was by the Second Section of the said last-recited Act provided that
[Bill 166.] the

the Provisions of the said first-recited Act, in so far as they relate to the Announcement of the Day of Election, and the Interval to elapse between the Receipt of the Writ and the Proclamation thereof, should remain in full Force and Effect : And whereas it is expedient that such Exception should no longer be continued : Be 5 it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Repeal of 5 & 6 W. 4. c. 78. s. 2. 1. The Second Section of the said last-recited Act shall be and is 10 hereby repealed.

Sheriff to endorse on the Writ the Day on which he received it, and within Two Days announce Time for the Election within Ten Days. 2. Each Sheriff to whom any Writ for the Election of Members to serve for the Districts comprehending Kirkwall, Wick, Dornoch, Dingwall, Tain, Cromarty, Ayr, Irvine, Campbeltown, Inverary, and Oban shall be directed under the Provision of the said first-recited Act shall endorse on the Back of the Writ the Day on 15 which he received it, and shall within *Two Days* thereafter announce a Day or Days for the Election or Elections, which Day or Days shall be not less than *Four* nor more than *Ten* Days after the Day on which the Writ was received, and shall give due Intimation 20 thereof as is provided in the said first-recited Act.

Commence-ment of Act. 3. This Act shall take effect from and after *the passing thereof*.

Wick and Ayr Burghs Election.

A

BILL

To shorten the Time for fixing the Day
of Election of Members to serve in
Parliament for the Districts compre-
hending Kirkwall, Wick, Dornoch,
Dingwall, Tain, Cromarty, Ayr,
Irvine, Campbeltown, Inverary, and
Oban.

(Prepared and brought in by
Mr. Edward Craufurd and Viscount Bury.)

*Ordered, by The House of Commons, to be Printed,
25 May 1865.*

[Bill 166.]

Under 1 oz.



A

B I L L

TO

Alter and amend the System of the Registration of Writs relative to Land in Scotland.

WHEREAS it is expedient to amend the System of Registration of Writs relating to Lands and Heritages in Scotland, to lessen the Number of Registers, and to facilitate Searches thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. This Act may be cited for all Purposes as "The Land Registers (Scotland) Act, 1865."

Short Title
of Act.

- 10 2. The General Register of Sasines for Scotland shall be so kept that the Writs applicable to each County shall be entered in a separate Series of Presentment Books, and minuted in a separate Series of Minute Books, and engrossed in a separate Series of Register Volumes; and where any Writ shall contain Land in more than One County, such Writ shall be entered by the Ingiver in the Presentment Book of each County, and shall be minuted in the Minute Book of each County to which such Writ applies, and shall be engrossed at length in the Division of the Register applicable to One only of the said Counties; and a Memorandum [Bill 41.] shall

In General
Register of
Sasines,
Writs of each
County to
be kept
separate.

A

shall be entered in each Division of the Register applicable to the other County or Counties to which such Writ applies, and in the Presentment Book of which it is entered as aforesaid, setting forth the Volume of the Register, and the Folio or Folios of such Volume in which such Engrossment is made, and such Memorandum shall 5 be deemed to be equivalent to full Engrossment of such Writ in the Division of the Register wherein such Memorandum shall be entered as aforesaid; and, for the Purpose of this Act, the Barony and Regality of Glasgow, and also the Stewartry of Kirkcudbright, shall each be treated as a County. 10

Writs applicable to more than One County may be registered in each successively.

3. Provided always, That where any Writ containing Lands or Heritages in more than One County shall not have been presented, minuted, and engrossed in all the Divisions to which it applies of the Register, the Registration of such Writ shall, notwithstanding, as regards the County or Counties in the Division or Divisions 15 applicable to which it has been presented, minuted, and engrossed as aforesaid, be effectual, and it shall be competent afterwards to present, minute, and engross such Writ in any other Division of the Register to which such Writ applies; and such subsequent Registration shall be effectual, as regards the County to which 20 such other Division of the Register is applicable, of and from the Date of such subsequent Registration.

Registration how to be made, &c.

4. Registration of Writs in the General Register of Sasines shall, except in so far as altered by the Provisions of this Act, continue to be made in conformity with the Practice heretofore in 25 use; and no Error or Omission in any Presentment Book of the General Register of Sasines, to be kept as aforesaid, shall invalidate or in any way affect injuriously the Registration of any Writ recorded in said Register.

Provision for Writs transmitted by Post to General Register of Sasines.

5. Where any Writ shall be transmitted by Post for Registration 30 in the General Register of Sasines, the Keeper of said Register shall, upon the Receipt of such Writ, cause the same to be presented in Terms of the Instructions accompanying it by a Clerk in his Office to be appointed by him for that Purpose; and such Clerk shall attach to his Signature in the Presentment Book the Words "trans- 35 mitted by," and thereafter the Name of the Sender; and such Writ shall be recorded in the same Manner as any other Writ presented for Registration, and on the Writ being ready for Delivery, Intimation to that Effect shall be made by Post to the Sender; and where Two or more Writs transmitted by Post shall be received by the 40 Keeper at the same Time, the Entries thereof in the Presentment Book and Minute Book shall be of the same Year, Month, Day, and Hour,

Hour, and such Writs shall be deemed and taken to be presented and registered contemporaneously.

6. The whole Particular Registers of Sasines in Scotland shall be discontinued not later than the *Thirty-first Day of December One thousand eight hundred and sixty-seven*; and it shall be competent to the Lord Clerk Register of Scotland from Time to Time, upon the Application of the Keeper of the General Register of Sasines, to order the Discontinuance of any Particular Register of Sasines, and the Lord Clerk Register shall cause such Order, signed by him, to be recorded in the General Register of Sasines, and a Copy of such Order, also signed by him, to be transmitted to the Keeper of the Particular Register of Sasines to which it applies, and shall cause such Order to be advertised in the Edinburgh Gazette, and in any Newspaper or Newspapers he may deem proper; and such Order shall specify the Day, not being less than *One Calendar Month* after the Date of such Publication in the Edinburgh Gazette, from and after which such Particular Register is to be discontinued; and after the Date so to be specified in any such Order as regards the Particular Register to which such Order shall apply, and after the said *Thirty-first Day of December One thousand eight hundred and sixty-seven* as regards all other Particular Registers, it shall not be competent to present, or for the Keeper of said Particular Register to receive, any Writ for Registration therein; and all Writs which, previous to the Discontinuance of the said Particular Registers respectively, might competently have been presented for Registration therein, shall after said Discontinuance be registrable only in the General Register of Sasines; and Registration in the General Register of Sasines shall have all the Force and Effect previously attached to Registration in such Particular Registers of Sasines respectively.

Particular
Register of
Sasines
abolished.

7. Printed Abridgments and printed Indexes, both of Persons and Places, applicable to each County in Scotland, in the Form heretofore in use in the General Register House, or in such other Form as may from Time to Time be prescribed by the Lord Clerk Register, shall, from and after the Discontinuance of all the Particular Registers of Sasines directed to be discontinued as aforesaid, be prepared under the Superintendence of the Keeper of the General Register of Sasines, and as nearly as possible contemporaneously with the Minute Books and Volumes of the Register, and such Indexes shall be consolidated from Time to Time for such Periods as may be deemed expedient: Provided always, that it shall be lawful at any Time for the Lord Clerk Register, if he shall think fit, to direct that Abridgments shall cease to be prepared

Printed
Abridg-
ments, &c.
and Indexes
to be prepar-
ed contem-
poraneously
with Record.

separately from the Minutes, and in that Case the Minutes shall be printed under the Superintendence of the Keeper of the General Register of Sasines, in lieu of printing such Abridgments.

Printed
Abridg-
ments, &c.
and Indexes
to be trans-
mitted to
Counties.

8. The Keeper of the General Register of Sasines shall transmit the said printed Abridgments, or printed Minutes and 5 Indexes, from Time to Time as the same are prepared, to the Department of the Lord Clerk Register; and the Lord Clerk Register shall at the End of each Year, or as soon thereafter as the same shall be prepared and transmitted to his Department, furnish to the Sheriff Clerk of each County a printed Copy of the Abridg- 10 ments or Minutes and Indexes for such County applicable to such preceding Year, and shall also furnish to each such Sheriff Clerk, as soon as prepared and transmitted to his Department as aforesaid, a printed Copy of each consolidated Index applicable to such County; and such Abridgments or Minutes and Indexes so furnished to the 15 Sheriff Clerks shall be made patent by them to the Public on Payment of such reasonable Fees as may be fixed by the Lord Clerk Register with the Sanction of the Court of Session, which Fees shall be accounted for by the Sheriff Clerks to the Lord Clerk Register as Part of the Fees of his Department. 20

Registration
in General
Register of
Sasines
equivalent in
certain Cases
to Registra-
tion in the
Books of
Council and
Session.

9. It shall not be necessary to register in the Books of Council and Session for the Purpose of Preservation, or of Preservation and Execution, any Writ competent to be registered in the General Register of Sasines, and which shall have been so registered, and such Writ being registered in the said Register of Sasines shall 25 be held to be registered also in the Books of Council and Session for Preservation, or for Preservation and Execution, as the Case may be; and such Writ, when presented for Registration in the said Register of Sasines, shall have a Warrant of Registration written thereon, in or as nearly as may be in the Form of Schedule (A.) to 30 this Act annexed, specifying that the Writ is to be registered for Preservation, or for Preservation and Execution, as well as for Publication, and signed by the Person in whose Behalf the Writ is presented or his Agent; and the Writ, with such Warrant, being so registered in the said Register Sasines, shall not be re-delivered 35 to the Ingiver, but an Extract only (containing as Part of said Extract, where the Writ is registered for Execution, a Warrant for Execution) shall be delivered, which Extract may be issued without abiding the actual booking in the Register, and shall be in the Form, as nearly as may be, of the Schedule (B.) to this Act annexed; 40 and the Writs themselves, after having been engrossed in the General Register of Sasines in Terms of Law, shall be periodically transmitted by the Keeper of the said Register of Sasines to the Lord

Lord Clerk Register or his Deputies, and through the Office of the Keeper of the Register of Deeds and Probative Writs and Protests in the Books of Council and Session, or otherwise, as the Lord Clerk Register shall prescribe, and shall be indexed, either
 5 separately, or along with other Writs registered in the Books of Council and Session, as the Lord Clerk Register may direct; and such Registration in the General Register of Sasines shall have all the legal Effects of Registration in the Books of Council and Session for Preservation, or for Preservation and Execution, as the
 10 Case may be, as well as of Registration in the General Register of Sasines: Provided always, that no Writ shall be held to be registered for the Purpose of Execution which does not contain a Procuratory for Registration, or Clause of Consent to Registration, for the Purpose of Execution, in the Body of the Writ; and such
 15 Extracts as aforesaid, One or more, of all Writs so registered in the said Register of Sasines may be issued at any Time by the Keeper of the said Register of Sasines, or, after Transmission as aforesaid, by the Deputy Keeper of the Records, or by any one having their Authority respectively; and all such Extracts, and the
 20 Warrants of Execution therein contained, shall have all the like Force and Effect as any Extract from the Books of Council and Session, or as any Warrant of Execution contained in or appended to such Extract, or as any Extract from the General Register of Sasines, according to the existing Law and Practice; and such
 25 Extracts, in Terms of this Act, shall be equivalent to the registered Writs themselves, except where any Writ so registered shall be offered to be improven.

10. No Fees shall be chargeable at the Office of the Keeper of the Register of Deeds and Probative Writs and Protests in the
 30 Books of Council and Session in respect of any Writs registered in the General Register of Sasines for Preservation, or for Preservation and Execution, as well as for Publication, in Terms of this Act; and the Fees to be charged in respect thereof, and of the Extract given out at the Time of Registration at the Office of
 35 the General Register of Sasines, shall be the same, with the Addition only of any Outlay for the Writing and Stamps of such Extract, as would have been chargeable if the Writ had been registered for Publication only.

No higher Fees to be chargeable for Writs registered for Preservation and Execution as well as Publication.

11. The Certificate of Registration on every Writ that shall be
 40 registered in the General Register of Sasines and re-delivered to the Ingiver shall be signed by the Keeper of said Register, or a Deputy duly commissioned by him to that Effect; and no further Signature in order to or in token of such Registration shall be

Registered Writs to be authenticated.

necessary to any Writ presented for Registration in the General Register of Sasines, but every such Writ shall, in token of such Registration, be impressed with an Office Seal or Stamp to be kept in the said General Register of Sasines.

Writs containing Description by reference to prior registered Writ, to specify Volume and Folio of Register in which prior Writ engrossed.

12. Every Conveyance, Discharge, or other Deed or Instrument, 5 which shall refer, as allowed by the Thirty-fourth Section of the Titles to Land (Scotland) Act, 1860, to a particular Description contained in a prior Conveyance, Discharge, or other Deed or Instrument recorded in a Register of Sasines, shall specify the Book or Volume of such Register, and the Folio or Folios of such Book 10 or Volume in which such prior Conveyance, Discharge, or other Deed or Instrument is engrossed.

Court of Session may cause Tailzies to be registered for Preservation.

13. It shall be competent to any Institute, Heir of Entail, Trustee, or other Person interested in any Tailzie, to apply to the Court of Session for Warrant to register such Tailzie in the 15 Books of Council and Session for Preservation, as well as in the Register of Tailzies for Publication, where not previously so registered; and it shall be lawful for the Court, under such Application, to cause such Registration to be made at the Expense of the Applicant, or of the Institute or Heir of Entail in possession, as 20 the Court shall direct, and with a View to such Registration to order Production of such Tailzie or grant Diligence for its Recovery.

Register of Interruptions of Prescriptions to be discontinued as a separate Record.

14. The Register of Interruptions of Prescriptions shall be discontinued as a separate Record, and all Writs appropriate thereto may be presented and registered in the General Register of Sasines, 25 in the same Manner as any other Writs appropriate to said General Register of Sasines; and Registration thereof in the General Register of Sasines shall have all the like Force and Effect as Registration in the Register of Interruptions of Prescriptions previous to the passing of this Act. 30

Particular Registers of Inhibitions abolished.

15. The Particular Registers of Inhibitions and Interdictions throughout Scotland shall be discontinued, and all Writs at present appropriate to those Registers, or any of them, shall be registrable only in the General Register of Inhibitions, which shall be the only competent Register for the Registration of Inhibitions and 35 Interdictions; and no Publication whatever of such Writs, other than Registration in said General Register of Inhibitions, shall in future be necessary, but such Registration shall for all Purposes whatsoever have all the legal Effect of the Publication at present in use. 40

16. The

16. The Keeper of the General Register of Hornings, Inhibitions, and Adjudications shall keep only One Minute Book for Inhibitions and Adjudications, and shall frame only One Index applicable to all Inhibitions and Adjudications recorded in his Office; and such
5 Minute Book and Index shall be in such Form as may be prescribed by the Lord Clerk Register.

General Register of Inhibitions and Register of Adjudications to be treated as One Register.

17. The Particular Registers of Hornings and Expired Charges shall be continued as at the Date of the passing of this Act: Provided always, that where any such Register has been heretofore kept
10 as a joint Register of Hornings and Inhibitions, it shall cease to be a competent Register for the Registration of Inhibitions.

Particular Registers of Hornings, &c. not to be affected.

18. It shall be competent, before or after Execution of any Inhibition, to register in the General Register of Inhibitions a Notice thereof, setting forth the Names and Designations of the
15 Persons by and against whom the same is raised, and the Date of signeting the same, in the Form, as nearly as may be, of the Schedule (C.) to this Act annexed; and where an Inhibition and the Execution thereof shall be duly registered in the General Register of Inhibitions not later than Twenty-one Days from the
20 Date of the Registration therein of such Notice thereof, such Inhibition shall take effect from the Date when such Notice was registered as aforesaid, but otherwise only from the Date of the Registration of such Inhibition and the Execution thereof; and no Inhibition shall have any effect against any Act or Deed done,
25 committed, or executed prior to the Registration of such Notice thereof, or of such Inhibition and the Execution thereof, as the Case may be.

Inhibitions to take effect from Date of Registration of Notice, &c.

19. Letters of Inhibition may be in the Form, as nearly as may be, of the Schedule (D.) to this Act annexed; and Letters of
30 Inhibition in such Form shall have all the like Force and Effect as Letters of Inhibition in the Form in use at the passing of this Act.

Short Form of Letters of Inhibition.

20. It shall be competent to register in the Register of Adjudications a Notice of any signeted Summons of Adjudication for
35 Debts or in Security, setting forth the Names and Designations of the Pursuer and Defender, and the Date of signeting the same, in the Form, as nearly as may be, of the Schedule (E.) to this Act annexed; and no Summons of Adjudication shall have any effect in rendering litigious the Lands and Heritages therein contained,
40 except from and after the Date of the Registration of such Notice.

Adjudications to receive effect from Date of Registration of Notice, &c.

Provision as
to Official
Searchers.

21. The Lords Commissioners of Her Majesty's Treasury shall have Power, upon the Application from Time to Time of the Lord Clerk Register, to regulate the Number of Official Searchers of the Records, and to grant to such Searchers such Remuneration out of Funds to be provided by Parliament for that Purpose as their Lord- 5 ships shall deem fit ; and it shall be competent to any one ordering a Search to select any One of the Official Searchers for the Time being whom he may prefer to make the same.

Reduction
of Fees of
Registration,
&c.

22. It shall be competent to the Lord Clerk Register from Time to Time, after the Discontinuance of all the Particular Registers 10 of Sasines in Terms of this Act, to make Application to the Lord President of the Court of Session, the Lord Advocate, and the Lord Justice Clerk, all for the Time being, to reduce or regulate, and alter or vary, all or any of the Fees drawn for the Time in the General Register House at Edinburgh ; and the Lord President, 15 Lord Advocate, and Lord Justice Clerk may, upon each such Application, reduce or regulate the said Fees, or alter and vary the same or any of them.

Establish-
ment of
General
Register of
Sasines and
Inhibitions
to be regu-
lated.

23. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, upon the Application of the Lord Clerk Regis- 20 ter, to regulate from Time to Time the Offices of the General Register of Sasines, and of the General Register of Hornings, Inhibitions, and Adjudications under this Act, and to sanction such increased Establishment of Deputies, Assistants, Clerks or other Officers as may be necessary for the Purposes hereof, and to fix the 25 Salaries and Remuneration to be allowed to the Officers of the said Departments respectively ; and such Salaries and Remuneration shall be payable out of Funds to be provided by Parliament for that Purpose.

Remunera-
tion to
Sheriff
Clerks.

24. It shall be competent to the Lords Commissioners of Her Majesty's Treasury to direct reasonable Allowances for Trouble to 30 be paid to Sheriff Clerks out of any Fees to be collected by them under this Act.

Deficiency,
if any, in
Revenues of
Register of
Deeds to be
made up by
Surplus in
Register of
Sasines.

25. If in any Year the Fees of the Register of Deeds and Pro- 35 bative Writs and Protests in the Books of Council and Session shall be insufficient to defray the Salaries and Expenditure thereof, such Deficiency shall be made up from the surplus Revenues of the General Register of Sasines.

Compensa-
tion Clause.

26. It shall be competent for every Keeper of any Register whose Office shall be discontinued under the Provisions of this Act to 40 apply

apply to the Lords Commissioners of Her Majesty's Treasury, who shall be empowered, on Proof to their Satisfaction of the average Amount of the Emoluments received by such Keeper, after defraying the Expenses of his Establishment, and to which he was
 5 personally entitled under the present System of Registration, to award to him such Compensation as the said Commissioners shall deem just; and such Compensation shall be payable out of any surplus Fees of the Department to which it relates, or out of any other Funds to be provided by Parliament for that Purpose.

10 **27.** Anything by this Act authorized or directed to be done by the Lord Clerk Register may be done by any Deputy whom he may appoint in virtue of any Power conferred upon him to make such Appointment. Lord Clerk Register may act by his Deputy.

15 **28.** This Act shall not extend or apply to Burgh Registers of Sasines. Act not to extend to Burgh Registers.

29. This Act shall take effect from and after the *First Day* of *October One thousand eight hundred and sixty-five*. Commencement of Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

WARRANT of REGISTRATION on a WRIT to be REGISTERED for
PRESERVATION, or PRESERVATION and EXECUTION, as well as
PUBLICATION. 5

Register on behalf of *A.B.* [*insert Designation*] for Preservation
[or Preservation and Execution], as well as Publication.

(Signed) *A.B.*
[or] *C.D., W.S., Edinburgh,*
Agent of the said A.B. 10
[or as the Case may be.]

SCHEDULE (B.)

EXTRACT of DEED, containing WARRANT of EXECUTION.

At Edinburgh, the Day of One thousand 15
eight hundred and between the Hours of and
Forenoon [*or as the Case may be*], the Writ, with Warrant
of Registration thereon, herein-after engrossed, was presented by
[*insert Name and Designation of Presenter*] for Registration in
the General Register of Sasines for Publication, and also as in the 20
Books of the Lords of Council and Session for Preservation [*or for*
Preservation and Execution, *as the Case may be,*] and is, with said
Warrant of Registration, recorded in the said Register of Sasines
as follows :

[*Insert full Copy of the Deed and Warrant of Registration, and,* 25
where Deed is recorded for Execution, insert Warrant for Execution
as follows :

And the said Lords grant Warrant to Messengers-at-Arms in Her
Majesty's Name and Authority to charge the Party or Parties afore-
said, bounden by the foresaid Writ, personally, or at his, her, or 30
their respective Dwelling Place or Places if within Scotland, and if
furth thereof, by delivering a Copy or Copies of Charge at the
Office of the Keeper of the Record of Edictal Citations at Edin-
burgh, to pay, implement, and perform the whole Sum or Sums or
Obligations, or any of them, specified in the said Writ, all in Terms 35
and to the Effect therein contained ; and that to the Party or Parties
to whom the said Sum or Sums or Obligations are, by the Terms of
said Writ, payable or undertaken, within Six [*or Fifteen, as the*
Case

Case may be] Days if within Scotland, and if furth thereof, within Twenty-one Days next after he, she, or they are respectively charged to that Effect, under the pain of Poinding and Imprisonment, the Term or Terms of Payment being always first come and
5 bygone; and also with Deduction of any Sum or Sums paid to Account (if any); and also grant Warrant to arrest the said Party or Parties bounden as aforesaid, his, her, or their readiest Goods, Gear, Debts, and Sums of Money in Payment and Satisfaction of the said Obligations, or any of them: And if the said Party or
10 Parties bounden as aforesaid fail to obey the said Charge, then to poind the said Party or Parties bounden as aforesaid, his, her, or their readiest Goods, Gear, and other Effects; and if needful for effecting the said Poinding, grant Warrant to open all shut and lockfast Places in Form as effeirs]. Extracted on this and the
15 preceding pages by me, Keeper of the General Register of Sasines [or Deputy Keeper of the Records, or other Officer duly authorized, as the Case may be.]

(Signed) *A.B.*

SCHEDULE (C.)

20 NOTICE OF INHIBITION.

Notice of Letters of Inhibition.—*A.B.* [*insert Designation of the Inhibitor*] against *C.D.* [*insert Designation of the inhibited*].—Signeted [*insert Date of signeting*].

SCHEDULE (D.)

25 FORM OF LETTERS OF INHIBITION.

VICTORIA, &c.—To Messengers-at-Arms and others, Our Sheriffs, greeting: Whereas it is humbly shown to us by Our Lovite *A.B.* [*insert Designation*], Complainer, against *C.D.* [*insert Designation*], that [*set forth as concisely as possible the Document on which the*
30 *Inhibitor proceeds*]: Our Will is herefore, and We charge you, that ye lawfully inhibit the said *C.D.*, personally or at his Dwelling Place, if within Scotland, and if furth thereof, at the Office of the Keeper of the Record of Edictal Citations at Edinburgh, from selling or otherwise affecting his Lands or Heritages to the Prejudice
35 of the Complainer; and that ye cause register these Our Letters in the General Register of Inhibitions at Edinburgh for Publication to Our Lieges. Given under Our Signet at Edinburgh, this
Day of _____ in the Year _____

SCHE-

SCHEDULE (E.)

NOTICE of SUMMONS of ADJUDICATION.

Notice of Summons of Adjudication.—*A.B.* [*insert Designation of Pursuer*] against *C.D.* [*insert Designation of Defender*].—
 Signed [*insert Date of signing*].

Writs Registration (Scotland).

A

B I L L

To alter and amend the System of the
 Registration of Writs relative to Land
 in Scotland.

(Prepared and brought in by
 The Lord Advocate, Sir George Grey, and
 Sir William Dunbar.)

Ordered, by The House of Commons, to be Printed,
24 February 1865.

[Bill 41.]

Under 2 oz.



A

B I L L

TO

Improve the System of Registration of Writs relative to Land in Scotland, and to amend the Law relating to Inhibitions and Adjudications.

WHEREAS it is expedient to improve the System of Registration of Writs relating to Lands and Heritages in Scotland, and to facilitate Searches of the Registers of such Writs, and also to amend the Law relating to Inhibitions and Adjudications: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

10 **1.** This Act may be cited for all Purposes as "The Land Registers (Scotland) Act, 1865."

Short Title of Act.

2. From and after the *Thirty-first Day of December One thousand eight hundred and sixty-five*, the General Register of Sasines for Scotland shall be discontinued; and the several Particular Registers of Sasines for Counties or Districts in Scotland shall be designated, and in this Act are designated, Registers of Land Writs for such

General Register of Sasines to be discontinued.

[Bill 48.]

A

Counties

Counties or Districts respectively ; and all Writs affecting Lands or other Heritages required by Law to be registered in the General or Particular Registers of Sasines at present in use, or which may competently be registered therein, shall and may be registered in the Register of Land Writs for the County or District in which the 5 Lands or other Heritages to which such Writ relates are situated ; and where any Writ relates to Lands or other Heritages situated in more than One County or District it shall be competent to register in each of the Registers of Land Writs for the several Counties or Districts in which the Lands or other Heritages to which such 10 Writ relates are respectively situated either the said Writ itself, or a Notarial Instrument expedite thereon in the Form of Schedule (B.) annexed to "The Titles to Land (Scotland) Act, 1858," embracing the Lands or other Heritages situated in such Counties or Districts respectively ; and such Notarial Instrument, when recorded in the 15 Register of Land Writs for any County or District in which any Lands or other Heritages to which such Instrument relates are situated, shall have the same Effect, in so far as regards such Lands or Heritages, as if the whole original Writ had been registered in such Register. 20

Writs applicable to more than One County or District may be registered in each successively.

3. Provided always, That where any Writ relating to Lands or other Heritages situated in more than One County or District, or a Notarial Instrument thereon, shall not have been registered in the Registers of Land Writs for all such Counties or Districts, the Registration of such Writ or Notarial Instrument thereon, shall 25 notwithstanding be effectual in so far as regards the Lands or other Heritages situated within any County or District in the Register of Land Writs for which it has been registered, and it shall be competent afterwards to register such Writ or Notarial Instrument thereon in the Register of Land Writs for any other County or 30 District in which the Lands or other Heritages to which such Writ or Instrument relates may be situated, and such subsequent Registration shall be effectual, as regards the Lands or other Heritages situated in such other County or District, of and from the Date of such subsequent Registration. 35

Providing for Division of existing Districts into Counties.

4. Where Two or more Counties or Parts of Counties are comprehended within One District for which a separate Register of Sasines is now kept, the Writs relating to Lands or other Heritages situated in each of such Counties or Parts of Counties shall, from and after the *Thirty-first Day of December One thousand eight 40 hundred and sixty-five*, be recorded in a separate Volume and entered in a separate Minute Book to be kept for each of such Counties or Parts of Counties ; and upon the Death of the present Keeper

Keeper or Keepers of the Register of Land Writs for any such District, or with his or their Consent, or without such Consent if so already provided for in the Commission of any such Keeper or Keepers, it shall be competent to the Court of Session, on the
 5 Application of the Lord Clerk Register, to appoint a Place within each such County or Part of a County at which the Register of Land Writs applicable thereto shall thereafter be kept, and such Register shall be kept in the Place so appointed accordingly; and a separate Keeper shall be appointed for each such Register, in the
 10 same Way and with the same Powers and Privileges as the Keepers of the Registers of Sasines are at present appointed.

5. Registration of Writs in the Registers of Land Writs shall, except in so far as altered by the Provisions of this Act, continue to be made and authenticated in conformity with the Practice heretofore in use with respect to Registration in the Particular Registers of Sasines; and no Error or Omission in any Presentment Book of any Register of Land Writs shall invalidate or in any way affect injuriously the Registration of any Writ recorded in such Register.

Registration
how to be
made, &c.

6. When a Writ is given in for Registration in any of the Registers of Land Writs, the Keeper of the Register shall, upon the Receipt of such Writ, whether it be transmitted by Post or delivered at the Office of such Keeper, cause the Presentment thereof to be entered in the Presentment Book, with the Name of the Person transmitting or delivering the same for Registration, as the Case may be; and when Two or more Writs transmitted by Post shall be received at the Office of the Keeper of the Register at the same Time, the Entries thereof in the Presentment Book and Minute Book shall be of the same Year, Month, Day, and Hour, and such Writs shall be deemed and taken to be presented and registered contemporaneously.

Provision
for Presentment
of Writs.

7. From and after the *Thirty-first Day of December One thousand eight hundred and sixty-five*, the Volumes of the Registers of Land Writs and relative Minute Books shall be transmitted by the several Keepers thereof to the Department of the Lord Clerk Register in the General Register House in Edinburgh, as heretofore, so soon as each such Volume and relative Minute Book shall be completed: Provided that in any event each Keeper shall transmit every such Volume of the Register and relative Minute Book to the Department of the Lord Clerk Register not later than *Six Months* from the Date of their being issued to such Keeper.

Volumes of
Register and
Minute
Books to be
transmitted
to General
Register
House in
Edinburgh
as completed, and
not later
than Six
Months after
Issue.

Printed
Abridg-
ments and
Indexes to
be prepared
contempo-
raneously
with Record.

8. Printed Abridgments and printed Indexes, both of Persons and Places, applicable to each County or District, in the Form heretofore in use in the General Register House, or in such other Form as may from Time to Time be prescribed by the Lord Clerk Register, shall from and after the Discontinuance of the General Register of Sasines as aforesaid be prepared, under the Superintendence of the Lord Clerk Register, as soon as possible after the Transmission to his Department of the Minute Books and Volumes of the Register, and such Indexes shall be consolidated from Time to Time for such Periods as may be deemed expedient: Provided always, that it shall be lawful at any Time for the Lord Clerk Register, if he shall think fit, to direct that Abridgments shall cease to be prepared separately from the Minutes; and in that Case the Minutes, subject to such Alterations in the Form thereof as may be found to be expedient, shall be printed, in lieu of printing such Abridgments.

Printed
Abridg-
ments or
Minutes and
Indexes to
be trans-
mitted to
Counties for
public
Inspection.

9. The Lord Clerk Register shall at the End of each Year, or as soon thereafter as the same shall be prepared, transmit to the Office of the Keeper of the Register of Land Writs for each County or District, and to the Office of the Sheriff Clerk in each County or Division of a County, a printed Copy of all the Abridgments or Minutes and Indexes applicable to such preceding Year; and he shall also from Time to Time transmit to the Office of each such Keeper and Sheriff Clerk a printed Copy, as soon as prepared, of the Consolidated Indexes; and he shall also transmit, as soon as may be, to the Office of each such Keeper and Sheriff Clerk, a printed Copy of the Indexes already made and now in progress for the Period from the Year One thousand eight hundred and twenty-one till the *Thirty-first Day of December One thousand eight hundred and sixty-five*; and such Abridgments or Minutes and Indexes so transmitted to the respective Keepers and Sheriff Clerks shall be made patent by them to the Public, on Payment of such reasonable Fees as may be fixed by the Lord Clerk Register, with the Sanction of the Court of Session, which Fees shall be accounted for by the respective Keepers and Sheriff Clerks to the Lord Clerk Register as Part of the Fees of his Department.

Registers of
Interrup-
tions of Pre-
scriptions,
Inhibitions
and Inter-
dictions, and
Adjudica-
tions to be
discontinued
as separate
Records.

10. The Register of Interruptions of Prescriptions, the General and Particular Registers of Inhibitions and Interdictions, and the Register of Adjudications, shall, from and after the said *Thirty-first Day of December One thousand eight hundred and sixty-five*, be discontinued; and all Writs heretofore registrable in any of such Registers may thereafter be presented and registered in the Register of Land Writs for any County or District, or in the Register of Sasines

Sasines kept for any Burgh, within which are situated any Lands or other Heritages to which such Writs respectively relate or are intended to relate, in the same Manner as any other Writs appropriate to such Registers of Land Writs and Sasines respectively ;
 5 and Registration thereof in such Register of Land Writs or Sasines shall, as regards Lands or other Heritages situated in the County or District or Burgh to which such Register is applicable, have the like Force and Effect as Registration in the Register of Interrup-
 tions of Prescriptions, or the General or Particular Register of
 10 Inhibitions and Interdictions, or the Register of Adjudications, as the Case may be, previously to the passing of this Act, except as herein-after provided.

11. The Particular Registers of Hornings and Expired Charges shall be continued as at the Date of the passing of this Act : Pro-
 15 vided always, that where any such Register has been heretofore kept as a joint Register of Hornings and Inhibitions, it shall, from and after the said *Thirty-first Day of December One thousand eight hundred and sixty-five*, cease to be a competent Register for the Registration of Inhibitions.

Particular
Registers of
Hornings,
&c. not to
be affected.

20 12. From and after the said *Thirty-first Day of December One thousand eight hundred and sixty-five* it shall be competent, before or after Execution of any Inhibition, to register in any Register of Land Writs or in any Burgh Register of Sasines a Notice thereof, setting forth the Names and Designations of the Persons by and
 25 against whom the same is raised, and the Date of signeting the same, in the Form, as nearly as may be, of the Schedule (A.) to this Act annexed ; and where an Inhibition and the Execution thereof shall be duly registered in any such Register not later than *Twenty-one Days* after the Date of the Registration therein of such
 30 Notice thereof, such Inhibition shall take effect from the Date when such Notice was registered as aforesaid ; but if such Inhibition and Execution be not so registered within the said Period, or if no such Notice thereof have been registered, such Inhibition shall take effect only from the Date of the Registration of such Inhibition and the
 35 Execution thereof ; and no Inhibition shall have any Effect against any Act or Deed done, committed, or executed prior to the Registration of such Notice thereof, or of such Inhibition and the Execution thereof, as the Case may be ; and such Inhibition, when so registered, shall affect only such Lands or other Heritages as are
 40 situated in the County or District or Burgh in the Register of Land Writs or Sasines for which the same is registered ; but it shall be competent to register any Notice of Inhibition, or Inhibition and the Execution thereof, in the Register of Land Writs or Sasines for

Inhibitions
to take effect
from Date of
Registration
of Notice,
&c.

any other County or District or Burgh, where it is intended to affect Lands or other Heritages situated in such other County or District or Burgh.

Regulating
the Prescrip-
tion of In-
hibitions.

13. All Inhibitions subsisting on the *Thirty-first* Day of *December One thousand eight hundred and sixty-five* shall prescribe 5 on the Lapse of *Five* Years after the said Date ; and all Inhibitions which shall be recorded after the *Thirty-first* Day of *December One thousand eight hundred and sixty-five* shall prescribe on the Lapse of *Five* Years from the Date on which the same shall take effect as afore- said: Provided always, that the Raisers of any such Inhibitions, or their 10 Heirs or Assignees, may again record the same before the Expiration of the said respective Periods of *Five* Years, and on being so recorded such Inhibitions shall continue in force for an additional Period of *Five* Years from the Date of such subsequent recording: Provided nevertheless, that in the Case of Inhibitions subsisting at the *Thirty- 15 first* Day of *December One thousand eight hundred and sixty-five* no such Inhibition shall in any Case be effectual for a longer Period than it would have remained in force if this Act had not been passed.

Inhibitions
not to affect
Acquirenda.

14. No Inhibition shall, from and after the said *Thiriy-first* Day 20 of *December One thousand eight hundred and sixty-five*, affect any Lands or other Heritages which may be acquired by the Person or Persons against whom it is directed after the Date of the Registration of such Inhibition and the Execution thereof.

Short Form
of Letters of
Inhibition.

15. From and after the *Thirty-first* Day of *December One thou- 25 sand eight hundred and sixty-five* it shall not be necessary to execute any Letters of Inhibition at the Market Cross of any Burgh or Town ; and from and after that Date all Letters of Inhibition may be in the Form as nearly as may be of the Schedule (B.) to this Act annexed ; and Letters of Inhibition in such Form shall have all the 30 like Force and Effect as Letters of Inhibition in the Form in use at the passing of this Act.

Adjudica-
tions to re-
ceive Effect
from Date
of Registra-
tion of No-
tice, &c.

16. From and after the said *Thirty-first* Day of *December One thousand eight hundred and sixty-five* it shall be competent to register in the Register of Land Writs for the County or District or 35 in the Register of Sasines for the Burgh in which the Lands or other Heritages to which any Summons of Adjudication relates are situated a Notice of such Summons of Adjudication, setting forth the Names and Designations of the Pursuer and Defender, a short Description of the Lands or other Heritages to be affected thereby, and the Date 40 of the same, in the Form, as nearly as may be, of the Schedule (C.)

to

to this Act annexed; and where a Decreet of Adjudication following on such Summons shall be registered in such Register of Land Writs or Sasines not later than *Three Months* after the Date of the Registration therein of such Notice thereof, such Decreet shall take effect as if registered of the Date of such Notice; but if such Decreet be not so registered within the said Period, or if no such Notice thereof have been registered, such Decreet shall take effect only of the Date of Registration of such Decreet itself; and no Summons or Decreet of Adjudication shall have any Effect against any Lands or Heritages until the Date of the Registration of such Notice or Decreet, as the Case may be.

17. The Lords Commissioners of Her Majesty's Treasury shall have Power, upon the Application from Time to Time of the Lord Clerk Register, to appoint, or to authorize the Lord Clerk Register to appoint, from Time to Time, and for such Time and under such Conditions as they or he think fit, Official Searchers of the Records, and to grant to such Searchers such Remuneration by way of Fees of Searching as their Lordships shall deem fit; and it shall be competent to any one ordering a Search to select any One of the Official Searchers for the Time being whom he may prefer to make the same.

Provision as to Official Searches.

18. It shall be competent for the Lords of Council and Session, from Time to Time, after the Discontinuance of the General Register of Sasines in Terms of this Act, upon the Application of the Lord Clerk Register, to reduce or regulate, and alter or vary, by Act of Sederunt, all or any of the Fees drawn for the Time for Registration and Searching, and also to prescribe and regulate, and from Time to Time to alter or vary, the Forms in use in the Offices of the several Registers of Land Writs required for carrying out the Provisions of this Act.

Reduction of Fees of Registration, &c.

19. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, from Time to Time, upon the Application of the Lord Clerk Register, to provide that the Keeper of any Register of Land Writs appointed after the passing of this Act may be remunerated by a fixed Salary instead of by Fees; and in that event the Fees thereafter payable to such Keeper in virtue of his Office shall be collected by him, and he shall keep an Account thereof, showing in distinct Columns the Names of the Parties to each Writ recorded in his Register, the Number of Words therein, the Amount received by him for recording such Writ, and the Amount paid by him to his Clerks for engrossing the same, at the Rate which may be fixed by the Lord Clerk Register, with the Sanction of the Court

Keepers of Registers of Land Writs may be remunerated by Salaries, accounting in that event to the Lord Clerk Register for the Fees received in their Offices.

of Session, which Account shall be patent to the Public in the Office of such Keeper, on Payment of a Fee to be fixed by the like Authority; and such Keeper shall at the End of each Period of *Three Months* transmit to the Lord Clerk Register a Copy of the said Account for that Period, and pay over to the Lord Clerk 5 Register, as Part of the Fees of his Department, the Fees received as aforesaid by such Keeper during the said Period, after deducting the Amount so paid to his Clerks; and at the End of each Year such Keeper shall make and transmit to the Lord Clerk Register a solemn Declaration of the Accuracy of the Accounts so transmitted 10 by him during that Year.

Compensation Clause.

20. It shall be competent for the Keeper of the General Register of Sasines whose Office shall be discontinued, and for the Keepers of the Particular Registers of Sasines and Land Writs, and the Keepers of any other Registers, holding Office at the Time of the 15 passing of this Act, whose Emoluments may be affected by or under any of the Provisions of this Act, to apply to the Lords Commissioners of Her Majesty's Treasury, who shall, on Proof to their Satisfaction of the average annual Amount of the Emoluments received by any such Keeper for the preceding *Five Years*, after 0 defraying the Expenses of his Establishment, award to him Compensation for the Discontinuance of his Office, or for any Diminution of the Emoluments thereof which he may establish to be the Result of the Operation of this Act, and such Compensation shall be payable out of any Funds to be provided by Parliament for that 25 Purpose.

Lord Clerk Register and Keepers of Registers may act by Deputy.

21. Anything by this Act authorized or directed to be done by the Lord Clerk Register, or by the several Keepers of the Registers of Land Writs and Sasines, may be done by any Depute or Deputes whom he or they respectively may appoint in virtue of any Power 30 conferred upon him or them to make such Appointment.

Act not to extend to Burgh Registers.

22. This Act shall not, except as is herein-before provided, extend or apply to Burgh Registers of Sasines.

Commencement of Act.

23. Except as herein otherwise expressly provided, this Act shall take effect from and after the *First Day of October One thousand 35 eight hundred and sixty-five*.

SCHEDULES referred to in the preceding Act.

SCHEDULE (A.)

NOTICE OF INHIBITION.

Notice of Letters of Inhibition.—*A.B.* [*insert Designation of the*
5 *Inhibitor*] against *C.D.* [*insert Designation of the inhibited*].—
Signed [*insert Date of signeting*].

(Signed)	<i>A.B.</i>
(<i>or</i>)	<i>C.D.</i> , W.S., Edinburgh.
(<i>or, as the Case may be</i>)	Agent of the said <i>A.B.</i>

10

SCHEDULE (B.)

FORM OF LETTERS OF INHIBITION.

VICTORIA, &c.—To Messengers-at-Arms and others Our Sheriffs,
greeting: Whereas it is humbly shown to Us by Our lovite *A.B.*
[*insert Designation*], Complainer against *C.D.* [*insert Designation*],
15 that [*set forth as concisely as possible the Document on which the*
Inhibitor proceeds]: Our Will is herefore, and We charge you, that
ye lawfully inhibit the said *C.D.*, personally, or at his Dwelling
Place if within Scotland, and if furth thereof at the Office of the
Keeper of the Record of Edictal Citations at Edinburgh, from
20 selling or otherwise affecting his Lands or Heritages to the Prejudice
of the Complainer.

Given under Our Signet at Edinburgh, this
Day of in the Year .

SCHEDULE (C.)

NOTICE OF SUMMONS OF ADJUDICATION.

Notice of Summons of Adjudication.—*A.B.* [*insert Designation of Pursuer*] against *C.D.* [*insert Designation of Defender*] affecting all and whole [*insert short Description of Lands or other Heritages*]. 5
—Dated [*insert Date*].

(Signed)	<i>A.B.</i>
(or)	<i>C.D.</i> , W.S., Edinburgh.
(or, as the Case may be)	Agent of the said <i>A.B.</i>

Writs Registration, &c. (Scotland) (No. 2.)

B I L L

To improve the System of Registration of
Writs relative to Land in Scotland,
and to amend the Law relating to
Inhibitions and Adjudications.

(Prepared and brought in by
*Mr. Dunlop, Sir James Fergusson, and
Mr. Buchanan.*)

Ordered, by The House of Commons, to be Printed,
1 March 1865.

[Bill 48.]

Under 2 c.

